



GEORGIA PRISONERS' SPEAK

The GDC Accountability Project, Inc. · a Georgia 501(c)(3)

FIFTY-STATE SURVEY

Post-Conviction Procedure in the Fifty States

*How Georgia's rules compare with the other forty-nine: fifteen questions,
three surveys, every answer sourced to a statute, court rule or controlling
decision and quoted verbatim*

Prepared for the
House Blue-Ribbon Study Committee on Criminal Post-Conviction Litigation
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A B O U T T H I S D O C U M E N T

This is the printed form of a survey Georgia Prisoners' Speak maintains online. The live version, with every cell's full answer, the quoted language and a link to each source document, is at <https://gps.press/post-conviction-fifty-states-data/>; the findings are at <https://gps.press/post-conviction-fifty-states/>. This copy is current as of **8 September 2026**. Where the two differ, the online version is the later one.

The survey asks fifteen questions of each of the fifty states, in three passes: seven on post-conviction procedure (July 2026), two on the trial record and on weighing the evidence again (August 2026), and six on counsel for a person under sentence of death (September 2026). That is 750 cells. Every cell had to terminate in a primary source, a statute section, court rule or controlling case, with a short verbatim quotation. Each citation was then retrieved independently and searched for its quoted language; **734 of 750** passed that check (339 of 350, 100 of 100 and 295 of 300 in the three passes). The 16 that did not are listed in Appendix C rather than hidden.

Part One states what the survey found, question by question. The appendices give, for each state, the rule and the authority it rests on. A short label under each rule is a scan aid only; every count in Part One is drawn from the substance of the rule, never from the labels.

The survey states rules, not outcomes. A state whose statute promises appointed counsel and a state whose courts actually appoint one look identical here. Corrections are welcome at accountability@gps.press; every cell carries its source, so a disagreement can be resolved by reading the same document.

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P A R T O N E

What the survey found

Fifteen questions, answered for Georgia and set against the other forty-nine states.

After someone is convicted, the courts can still be asked one question: was the conviction obtained lawfully? That is narrower than a retrial. It asks whether the State violated the person's constitutional rights, not whether the jury got the verdict right.

This survey asks how all fifty states answer that question, in fifteen parts: seven on post-conviction procedure, two on the trial record and on weighing the evidence again, and six on counsel for a person under sentence of death. Every answer is sourced to a statute, court rule or controlling decision and quoted verbatim, and 734 of the 750 answers were verified by retrieving the cited source and finding the quotation in it. The full record, with every cell's source, quotation and link, is published at gps.press/post-conviction-fifty-states-data/; the tables in the appendix to this document give the rule and the authority for each state.

First: this is not about appealing

Two different things happen after a conviction, and they are often confused. This survey is about the second one.

A direct appeal comes first. It argues that something went wrong at trial, on the record, in front of the judge and jury, and it runs on a very short clock. A motion for new trial must be filed within 30 days of the judgment (O.C.G.A. § 5-5-40), and a notice of appeal within 30 days of the judgment or of the order deciding that motion (§ 5-6-38). The appellate court reads the trial transcript and decides whether the trial was conducted properly.

Post-conviction review comes after that is over. In Georgia it means a petition for a writ of habeas corpus, and it asks a different question: whether the conviction was obtained in violation of the person's constitutional rights, typically on facts that are not in the trial record, such as evidence the State never disclosed, or a trial lawyer's failures that no transcript would show. It is not a second appeal, and it is not a retrial. Georgia's courts have been explicit: insufficiency of the evidence is not a ground for habeas relief (*Allen v. Hopper*, 234 Ga. 642 (1975)), and the remedy for newly discovered evidence is an extraordinary motion for new trial, not habeas (*Bush v. Chappell*, 225 Ga. 659 (1969)).

The order matters, because it is what starts the clock. The four-year habeas period does not run from sentencing. It runs from "the judgment of conviction becoming final by the conclusion of direct review or the expiration of the time for seeking such review" (§ 9-14-42(c)(1)). So a person who appeals gets four years from when that appeal ends, and a person who never appealed gets four years from when the time to do so ran out.

The sequence. Trial and sentence; motion for new trial (30 days); direct appeal (30 days to file notice); appeal decided; conviction becomes final; the four-year habeas clock begins. Everything below concerns that last stage.

The short answers

How long does someone have?

Four years, and for most claims the clock never restarts.

Is Georgia an outlier?

Yes. Forty-six states either set no deadline or let a court excuse a late filing. Georgia is one of four that do neither, and one of two of those that also provide no lawyer.

What if the person is innocent?

Habeas has no innocence exception. A separate, untimed route exists, but you get one attempt at it.

Does anyone get a lawyer?

No. Georgia is one of four states that appoint none.

Does a person under sentence of death get a lawyer?

Georgia is the only state with no mechanism for appointing one. It funds the work without providing a right to it.

Does anyone check whether a petition has merit?

Not until the end, and nothing flags a good one for help.

Where is it heard?

Where the prison is, not where the conviction happened.

Is jury selection in the trial record?

Only on request. Thirty-one states record it as a matter of course.

Does any court weigh the evidence again?

The trial judge may. If the judge declines, no court reviews that decision on its merits, in Georgia and three other states.

How long does someone have to challenge a conviction?

Four years from the date the conviction becomes final (one year for a misdemeanor), under O.C.G.A. § 9-14-42(c). After that the claim is not heard on its merits at all.

The states do not all use the same instrument, and a comparison that ignores that is wrong before it starts. Most states long ago replaced habeas corpus with a purpose-built post-conviction statute, and the figure quoted for them is the limit in that act. Georgia still uses the writ itself. Ranking the two against each other compares a writ with a statute.

Held to like for like, the picture is this. **Eleven states set no limitations period at all** on the route a conviction challenge travels: California, Hawaii, Indiana, Massachusetts, Michigan, New Mexico, New York, Rhode Island, Vermont, West Virginia and Wisconsin. Most of the rest set a period that can be excused, by a statutory exception, a good-cause clause or a rebuttable presumption. **Four states set a period that cannot be excused:** Georgia, South Dakota, Virginia and Washington. In *Stubbs v. Hall*, 308 Ga. 354 (2020), the Supreme Court of Georgia declined to adopt equitable tolling, and held that nothing follows when a sentencing court fails to give the warning about the deadline that § 9-14-42(d) requires.

What actually decides whether a conviction is re-examined is not how long the door stands open, but what may be carried through it.

The clock can start later, for one kind of claim

Section 9-14-42(c) runs from the latest of four dates, not simply from conviction. Two matter: the discovery of the facts supporting the claim (§ 9-14-42(c)(4)), and the recognition of a new retroactive right (§ 9-14-42(c)(3)). Georgia is not bare here: 19 of the 43 states whose rule could be established have a comparable trigger for newly discovered facts.

The limit is sharp. The clock restarts for facts that were concealed, not for a person who did not know the law. A suppressed-evidence claim qualifies because the State hid something. A claim about a trial lawyer's failures, visible in the record all along, never gets a new accrual date, so at year four it is gone permanently.

And it is a genuine restart, not a brief extension: a qualifying claim discovered in year twenty begins a new four years.

Can this be brought?	Georgia	Elsewhere
A claim that the conviction is void on its face, free of any time limit	No. Closed by <i>Harper</i> (2009); O.C.G.A. § 17-9-4 now reaches void sentences only	Yes in 21 states , which keep an untimed writ for precisely this defect
A late claim heard because the trial was constitutionally unfair, the very thing the writ exists to test	No.	No, in none of the 33 states whose rule could be established. Not one state forgives lateness on this ground
A late claim forgiven on a showing of actual innocence, a different claim, and a demanding one	No. There is no innocence gateway once the period has run	Yes in 12 of the 38 states whose rule could be established, typically on a showing that no reasonable juror would have convicted
The clock starting later for newly discovered facts	Yes. § 9-14-42(c)(4) runs from when the facts "could have been discovered through the exercise of due diligence"	Yes in 19 of 43 established
The clock starting later for a newly recognised retroactive right	Yes. § 9-14-42(c)(3)	Yes in 16 of 39 established
A late claim saved by equitable tolling	No. <i>Stubbs v. Hall</i> , 308 Ga. 354 (2020), declined to adopt it	Available in 8 of the 28 states whose rule could be established
Relief where the sentencing court never gave the warning the statute requires	No remedy. § 9-14-42(d) directs the warning; <i>Stubbs</i> holds nothing follows from its absence	Not measured
A petition brought with a lawyer, for someone who cannot afford one	No. <i>Gibson v. Turpin</i> , 270 Ga. 855 (1999), decided four to three	Mandatory in 8, conditional on a threshold in 21, discretionary in 17

Can this be brought?	Georgia	Elsewhere
A self-represented petition that is screened for merit rather than left to sink	No merit screen before the merits are reached , the only state	The other 49 states all operate at least one: most screen through a judge; the rest use defender-office intake or automatic appointment of counsel

Is Georgia an outlier?

Yes. Forty-six states either set no limitations period or let a court excuse a late filing. Georgia is one of four that do neither, and one of two of those that also provide no lawyer.

The clock	States	Which
No limitations period at all	11	California, Hawaii, Indiana, Massachusetts, Michigan, New Mexico, New York, Rhode Island, Vermont, West Virginia, Wisconsin
A period, but a court may excuse a late filing	35	On good cause, a rebuttable presumption, a showing of innocence, or equitable tolling, depending on the state
A period that cannot be excused	4	Georgia, South Dakota, Virginia, Washington

Georgia's clock can start later, for facts the State concealed (§ 9-14-42(c)(4)) or a newly recognised retroactive right (§ 9-14-42(c)(3)), and that is real: *Watkins v. Ballinger*, 308 Ga. 387 (2020), held a 2017 petition against a 2001 conviction timely on a suppressed-evidence claim. A later start date is not an excuse. Once the period has run, nothing reopens it: no equitable tolling, no innocence gateway, no good-cause clause, no remedy for a missing warning. Of the four states in that position, Georgia and Virginia also appoint no counsel.

What happens to three claims

A count of rules is one measure. The other is asking what actually happens to three concrete situations in all fifty states, each a constitutional-violation claim, not a claim of innocence. A person who learns in 2026 that the prosecution suppressed exculpatory evidence at a 2005 trial. A person whose appeal ended six years ago now arguing their trial lawyer was ineffective, with nothing hidden. And a person who pleaded guilty six years ago and later learns evidence was withheld.

Situation	Open as of right	Open through an exception	Closed	Not settled
Suppressed evidence found at year 20	14	32	4	0
Ineffective assistance first raised at year 6	10	6	33	1
Plea-stage suppression found at year 6	14	26	5	5

The dividing line is not between Georgia and everywhere else. It runs between kinds of claim. A claim resting on facts the person could not have known gets through almost everywhere: 46 of 50 states on suppressed evidence. A claim that was knowable from the trial record is barred almost everywhere: 33 of 50 on ineffective

assistance.

Georgia is open on the suppressed-evidence and guilty-plea questions, and closed on late ineffective-assistance claims alongside 32 other states. Only four states, Alaska, Delaware, North Dakota and Wyoming, are closed on all three. Georgia is not among them. A statement that Georgia stands alone in barring late constitutional claims describes something this research does not show.

The two measures fit together. Most states have an excuse clause on the books; in state after state it has been construed so that it does not reach the person who simply did not know the law, which is why the ineffective-assistance row is closed almost everywhere. The difference is that those states have a valve a court may open. Georgia has not even that.

What is distinctive: two tracks that never meet

Georgia runs two post-conviction routes that do not overlap. A claim that a conviction was obtained unconstitutionally goes to habeas corpus and nowhere else, on a four-year clock. A claim of innocence based on new evidence goes to the extraordinary motion for new trial and nowhere else: no deadline at all, but only one such motion, ever. Neither track will hear the other's claim.

After year four, the only vehicle still standing for someone with a constitutional claim is a device built for innocence, which cannot hear it. The system stops asking whether the conviction was lawfully obtained and starts asking whether the person did it, a showing the Constitution has never required in order to remedy a constitutional violation, and one a factually guilty person whose trial was nonetheless unconstitutional can never make.

Where Georgia sits with everyone else

A survey that made Georgia an outlier on every question would deserve suspicion. On where an ineffective-assistance claim may first be raised, Georgia sits with the largest group of states. And on whether the judge whose trial is under challenge may decide that challenge, Georgia is unexceptional: of the 39 states whose rule could be established, 34 allow it. Few states have legislated on the point at all; in twelve nothing addresses it.

What if the person is actually innocent?

Habeas will not hear it late. Once the four years have run, a showing of actual innocence does not by itself excuse the lateness, where 12 of the 38 states whose rule could be established do forgive it, typically on a showing that no reasonable juror would have convicted.

But an untimed route does exist, outside habeas. An extraordinary motion for new trial on newly discovered evidence carries no deadline at all (O.C.G.A. § 5-5-41). It may be brought at any time after thirty days, on a showing of good reason for the delay, though only one is ever allowed. The DNA-testing motion in § 5-5-41(c) is likewise untimed.

So it is not accurate to say Georgia bars a late innocence claim. It is accurate to say the untimed route runs outside habeas, allows a single attempt, and rarely succeeds. Neither motion is a habeas petition; both are filed

in the original criminal case, which is also why neither appears in any state caseload count.

Does anyone get a lawyer?

No. Appointed counsel in a first post-conviction proceeding is mandatory in eight states and conditional on a threshold, such as a hearing or a substantial issue, in 21 more; 17 leave it to the court's discretion. **Georgia is one of four states that provide none**, with Arkansas, Virginia and Wyoming (Arkansas appoints counsel in capital cases only). Georgia's rule follows *Gibson v. Turpin*, 270 Ga. 855 (1999), decided four to three.

This is not a small gap. Georgia's own court reporting shows that 58.4% of habeas cases disposed of between 2021 and 2025 involved a self-represented litigant, 2,309 of 3,955. Across all superior court case types the figure is 27.7%. In a habeas case the respondent is the warden, represented by the State.

Across the country, the clock and the lawyer trade off. Of the eleven states that set no limitations period, every one provides a lawyer at least sometimes: one as of right, six on a threshold, four at the court's discretion, none withholding counsel entirely. Of the four states whose period cannot be excused, two also provide no counsel: Georgia and Virginia. The other two, South Dakota and Washington, give something Georgia does not: a route to a lawyer.

Does a person under sentence of death get a lawyer?

This is a separate question from the one above, measured separately, and the two counts are not combined. A witness told the Committee on 21 August 2026 that Georgia is the only state with no mechanism for appointing counsel in capital post-conviction proceedings. The question was put to all fifty states, six cells each, with federal habeas counsel under 18 U.S.C. § 3599 excluded so that no state is credited with a federal mechanism.

Verdict	States
Counsel must be appointed	24
A court may appoint counsel	3 (Nebraska, New Hampshire, South Dakota)
No death penalty	21
Authorities conflict	1 (Wyoming)
No state mechanism	1 (Georgia)

The claim holds. Georgia is the only state of fifty with no mechanism. The Supreme Court of Georgia decided the question in *Gibson v. Turpin*, 270 Ga. 855, 862 (1999), and assigned it: “A law requiring appointed counsel for capital habeas petitioners is not constitutionally compelled, and therefore, the decision to create such a law rightfully belongs to the General Assembly.” Twenty-seven years later the General Assembly has not created one. The state capital defender is confined by O.C.G.A. § 17-12-12(d) to the trial court and direct appeal; the capital habeas statute, § 9-14-47.1, and Uniform Superior Court Rule 44 are silent on counsel; nothing provides for compensating appointed habeas counsel.

Georgia does fund the work, and that belongs in the same sentence. The FY2027 General Appropriations

Act (HB 974, Judicial Branch § 6.7, "Resource Center") appropriates \$900,000 in state general funds, with the same line in the FY2026 Act (HB 68, § 20.1000). A 2005 Department of Audits report (06-05) ties that line to the Georgia Appellate Practice and Educational Resource Center, Inc. and found it 99% state-funded. That is a grant to a private charity, not an entitlement, an appointing authority, a qualification standard or a compensation scheme, and a prisoner the Center cannot take has no remedy. The accurate statement is that Georgia provides state money and no state mechanism.

Gibson was decided four to three. The dissent, joined by the Chief Justice, wrote in 1999 that Georgia was the only jurisdiction that failed to provide a right to counsel in capital post-conviction cases. This measurement, taken in 2026, finds the same thing.

One state is unresolved rather than a second Georgia. Wyo. Stat. Ann. § 7-6-104(c)(ii) entitles a needy person to public-defender representation in post-conviction proceedings "in cases in which the death penalty has been imposed", while § 7-14-104(c), captioned "No right to appointed counsel", says the opposite. No Wyoming decision reconciles them, and no one is under sentence of death there. So the finding is stated as measured: the only state with no mechanism, not the only state where a condemned person cannot get a lawyer.

Does anyone check whether a petition has merit?

Not at the start, and nothing flags a promising one for help.

The question is not whether a judge can find a petition meritless; a Georgia judge decides every habeas case and may reject it as groundless. It is whether there is a step at which a petition is assessed early, with something following from that assessment. Elsewhere that step runs in both directions. In Illinois the circuit court must examine every petition within 90 days and may dismiss it as "frivolous or patently without merit"; one that survives is docketed for a second stage at which counsel is appointed (725 ILCS 5/122-2.1). In North Carolina the assigned judge must review the motion, deny it if all claims are frivolous, and appoint counsel if it warrants a hearing (N.C.G.S. § 15A-1420(b1)). The screen removes the hopeless case and finds the one that deserves a lawyer.

Georgia does neither. Every petition takes the same route: the respondent answers or moves to dismiss within twenty days, and the court sets a hearing (§ 9-14-47). A meritless petition is disposed of at the end of that process rather than the start; a meritorious one draws no lawyer at any point. The only merit gate is appellate, and it operates after the petitioner has already lost: the Supreme Court must issue a certificate of probable cause before an unsuccessful petitioner may appeal (§ 9-14-52). Forty-nine states operate at least one mechanism, through a judge, a defender office, or automatic counsel. Georgia is the only state where no merit screen operates before the merits are reached.

One point cuts the other way and should be said plainly. Georgia does have a pre-filing merit screen for unrepresented indigent civil filers: under § 9-15-2(d) the clerk must not file the pleading but present it to a judge, who denies filing if it shows "such a complete absence of any justiciable issue of law or fact" that no relief could be granted. In *Hicks v. Scott*, 273 Ga. 358 (2001), the Supreme Court held that section does not reach habeas. That exemption protects habeas petitioners: their filings cannot be turned away at the counter. Georgia's front door is open. What is missing is anything on the other side of it.

Where is the case heard?

In the county where the person is imprisoned, not where the conviction was entered. Of 49 states whose rule could be established, 36 route the petition back to the court that entered the conviction. Georgia is one of two that do not.

Because prisons are concentrated in a small number of rural counties, so are these cases. Georgia's own reporting shows 91.7% of habeas filings between 2021 and 2025 arose in counties holding a state prison; all 12 of the highest-filing counties hold one; 127 of the state's 159 counties recorded any filing and 32 recorded none. A handful of rural superior courts hear the constitutional claims of people convicted across the whole state.

Is jury selection in the trial record?

Only on request. **Thirty-one states record the questioning of prospective jurors in a non-capital felony trial as a matter of course. Georgia is one of 12 that record it only if a party asks;** five leave it to the judge, one has no settled rule and one is contested within its own courts.

O.C.G.A. § 17-8-5(a) directs the judge to have the testimony taken down and, when the judge so directs, the other proceedings except argument. The Supreme Court of Georgia reads "proceedings" to mean matters occurring during the evidence, so jury selection is transcribed only on a specific request (*State v. Graham*, 246 Ga. 341 (1980); *Allen v. State*, 310 Ga. 411 (2020): "if a defendant wants a more complete record of voir dire, he must make a specific request to that effect"; *Harper v. State*, 312 Ga. 684 (2021)). Where death is sought the rule is different, and jury selection must be recorded (*Owens v. State*, 233 Ga. 869 (1975)).

Why it matters here: a claim that something went wrong in jury selection, including a claim that trial counsel handled it badly, cannot be reviewed on a record that was never made. Nine states, Alaska, Arkansas, Illinois, Louisiana, Maine, New Jersey, Pennsylvania, Tennessee and West Virginia, separate taking the record down from transcribing it: the reporter records jury selection in every case, and a transcript is prepared only if a party asks for one on appeal. West Virginia states the model in *State v. Bolling*, 162 W. Va. 103 (1978), adopting the federal practice that reporters "record (but not transcribe unless requested for appellate purposes) the voir dire examination of jurors". Recording costs little once a courtroom is wired; transcription is the expense, and under that design it stays on request.

Does any court weigh the evidence again?

On appeal, the sufficiency of the evidence is judged in the light most favourable to the verdict: the question is whether a rational juror could have convicted, not whether the evidence in fact supported the conviction. The survey asked whether any court may look without that lens, and whether its answer is reviewable.

Three states (New York, Ohio and Wisconsin) give an appellate court a real power to reverse on the weight of the evidence; four have a nominal power applied through the lens; 43, Georgia among them, have none. A forum without the lens exists somewhere in 27 states: in 24 of them, Georgia included, it is the trial judge alone; in 23

states there is no such forum at any level.

Georgia has the forum. On a motion for new trial on the general grounds (O.C.G.A. §§ 5-5-20, 5-5-21) the trial judge must consider the conflicts in the evidence, the credibility of witnesses and the weight of the evidence, sitting as the thirteenth juror (*Weston v. State*, 320 Ga. 472 (2024)). What Georgia does not have is review of the answer. The Supreme Court of Georgia "reviews whether the trial court exercised its discretion as the thirteenth juror, but the decision to grant a new trial on the general grounds is vested solely in the trial court and is not subject to our review" (*Weston; Meadows v. State*, 316 Ga. 22 (2023)). An order that recites only the sufficiency standard is sent back; an order that weighed the evidence and refused is final.

Of the 24 states where the trial judge is the only unreviewed forum, the refusal is reviewable for abuse of discretion in twenty. It is unreviewable on its merits in four: Georgia, Louisiana, Missouri and Tennessee. Louisiana's rule is constitutional (La. Const. art. V, § 10(B)); the other three, Georgia among them, could change it by statute or court rule. Because only three states give an appellate court a weight power, nothing in this survey supports a claim that most states do what Georgia does not. What it supports is narrower: among the states whose only unreviewed look at the evidence is the trial judge's, and whose refusal is unreviewable on its merits, Georgia is the one whose jury-selection record is not required to exist.

Do the exceptions work?

An exception is only real if someone has actually passed through it: a court that reached the merits, or granted relief, by way of that exception. A decision that discusses an exception and then denies relief proves nothing.

Georgia's newly-discovered-facts route is real. In *Watkins v. Ballinger*, 308 Ga. 387 (2020), a petition filed in 2017 against a 2001 conviction was held timely under § 9-14-42(c)(4) on a suppressed-evidence claim. The Supreme Court of Georgia reversed the dismissal unanimously, the writ issued on remand, and the grant was affirmed unanimously in December 2022. The court also rejected the argument that a petitioner should have looked sooner, holding that he "was not obligated in the exercise of due diligence to assume that the State was concealing or neglecting to produce evidence."

Two other Georgia routes exist only in name. Equitable tolling has never been applied: in *Stubbs v. Hall*, 308 Ga. 354 (2020), the court searched Georgia law for any prior instance and found none. *Coram nobis* survives as a name attached to a remedy that has become something else.

The exceptions are built to exclude the person without a lawyer

Where an exception exists, it exists exactly as written. What the courts have then done with it is the point: in state after state it has been construed so that it does not reach someone who simply did not know the law. Illinois excuses delay that was "not due to his or her culpable negligence," but holds that "all citizens are charged with knowledge of the law." New Jersey excuses "excusable neglect," but holds that a defendant's "assertion that he lacks sophistication in the law does not satisfy the exceptional circumstances required." Alabama permits equitable tolling, but holds that "ordinary aspects of prison life, such as restricted access to legal reference materials or assistance, do not provide a basis" for it. Mississippi requires newly discovered evidence practically conclusive of a different result, which a person who pleaded guilty cannot satisfy.

That pattern matters, and it is not about Georgia. Across five states examined closely, the escape valve is construed to exclude precisely the person it would otherwise serve: the prisoner with no lawyer who did not know what the law required of him.

How often does any of this work?

No one can say, including the State. That is not a gap in this research. It is a feature of how Georgia records post-conviction litigation, and it is worth stating precisely.

The scale

Georgia superior courts are not handling a handful of these cases. Between 2021 and 2025 they received 4,425 habeas corpus petitions and disposed of 3,955, roughly nine hundred a year.

Year	Petitions filed	Cases disposed	Of those disposed, litigant had no lawyer
2021	807	606	407 (67.2%)
2022	896	708	449 (63.4%)
2023	904	742	431 (58.1%)
2024	896	956	504 (52.7%)
2025	922	943	518 (54.9%)
Total	4,425	3,955	2,309 (58.4%)

Judicial Council of Georgia / Administrative Office of the Courts, Superior Court caseload reporting, case type Habeas Corpus, calendar years 2021 to 2025. Self-reported by Georgia courts to the AOC. Case characteristics are counted per case disposed, so the self-representation share is measured against 3,955, not 4,425. GPS has asked the AOC to confirm or correct these figures; any correction will be published.

And the outcome is not recorded anywhere

The AOC collects, for each case type, how many cases were filed, how many were disposed of, and the manner of disposition: jury trial, bench trial, or non-trial. It does not appear to record the outcome, whether relief was granted, denied, or the petition dismissed.

Nor can the outcome be recovered from the decisions. Appeal from a habeas denial is not available as of right; it requires a certificate of probable cause from the Supreme Court of Georgia (O.C.G.A. § 9-14-52), granted at the Court's discretion and refused by unpublished order in the ordinary case. The denials are therefore invisible, and what remains published is weighted towards the petitions that succeeded. A full-text search of Georgia appellate decisions for § 9-14-42(c)(4), the newly-discovered-facts provision, returns eight distinct decisions citing it in the provision's entire history, against roughly nine hundred petitions a year.

Georgia has not always declined to publish habeas outcomes. The Judicial Council's *Annual Report: Georgia Courts* once carried the Supreme Court's dispositions of habeas certificate-of-probable-cause applications through its FY2013 volume, reporting data through calendar year 2012. In that final published year the Court

granted 9 of 449 applications, 2.0 percent, down from 10.0 percent in 2007. Compiled across fiscal years 2003 through 2012, the reports show 3,942 dispositions: 263 granted, 2,793 denied, 780 dismissed and 106 otherwise resolved, a grant rate of 6.7%; that aggregate was quoted in the petitioner's brief in *Wilson v. Sellers*, No. 16-6855 (U.S.), and is not printed in the Council's own volumes. Later reports dropped the table. In *Redmon v. Johnson*, 302 Ga. 763 (2018), the Court described its own practice in the same terms: it "denies summarily the applications of another 20 habeas petitioners today, as we have denied thousands of such applications in the past (while granting a few each year, including two today)."

What follows from that

No honest success rate can be computed for any Georgia post-conviction exception from currently published data. The 6.7% above is the appellate gate for habeas applications generally, and it stops at fiscal year 2012; it is not a success rate for any particular exception, and it says nothing about what happened in the superior courts below. *Watkins* proves the newly-discovered-facts route can open. It does not show how often it opens, or against how many attempts.

The distinction matters, because "unmeasurable" would be too strong. These outcomes are recorded, in the county clerks' files case by case, and by the Attorney General, who under O.C.G.A. § 9-14-45 is served with every habeas petition filed by a person in the Department of Corrections' custody. They are not published, and not collected anywhere the public can reach. Habeas is already a reportable case type on the AOC's annual return; the outcome would be one more field on it.

The caution cuts in both directions. A reader should not take a rule recorded as open here as a route that works in practice, and should be equally sceptical of anyone asserting that these provisions are used successfully, since the State does not measure it either.

One limit on the figures above. They describe habeas corpus, which is a distinct case type in the AOC's reporting because a habeas petition commences a new civil action. Georgia's other post-conviction routes, the extraordinary motion for new trial under § 5-5-41 and a motion under § 17-9-4, are motions filed within the original criminal case. They create no new case, so they appear in no caseload count at all. Those routes are not undercounted here; they are uncounted everywhere.

What Georgia closed

In most of the country, a person holding a conviction that is void on its face, entered by a court without jurisdiction or void for some other reason apparent on the record, may say so at any time. Twenty-one states keep an untimed writ for precisely that defect. Georgia had the remedy and closed it, and it did so recently.

The statute is still on the books, and has been since 1863. O.C.G.A. § 17-9-4 reads: "The judgment of a court having no jurisdiction of the person or subject matter, or void for any other cause, is a mere nullity and may be so held in any court when it becomes material to the interest of the parties to consider it." In *Chester v. State*, 284 Ga. 162 (2008), the Supreme Court of Georgia read that section to reach a void conviction. Sixteen months later, in *Harper v. State*, 286 Ga. 216 (2009), it overruled that holding, leaving the section to reach void sentences only: the law was "restored to its pre-*Chester* state, whereby a petition to vacate or modify a judgment

of conviction is not an appropriate remedy in a criminal case."

Chester was unanimous in judgment, with three Justices concurring specially and declining the reasoning that reached void convictions. *Harper* came down four to three, with the Chief Justice and two other Justices in dissent.

Harper did not leave those claims without a home; it named three remedies. Two of them close quickly. A motion in arrest of judgment under § 17-9-61 "must be made during the term at which the judgment was obtained," so it expires within months of sentencing. An extraordinary motion for new trial under § 5-5-41 reaches newly discovered evidence, but in *Mitchum v. State*, 306 Ga. 878 (2019), the Supreme Court held that claims of constitutional deprivation "could be pursued only through habeas corpus."

What is left is the writ. Habeas corpus can still hear the claim; *Harper*'s limit runs on § 17-9-4, not on the writ, and *Mitchum* confirms it from the other direction: a constitutional claim must be brought there and nowhere else. So the claim is not extinguished by its subject matter. It is extinguished by the clock. A person holding a conviction void on its face has, in most states, an untimed route to say so. In Georgia the same claim has one route, and that route closes at four years, with no equitable tolling to reopen it.

What this does not tell you

These are rules, not outcomes. A route recorded as open is open in law; whether it opens in practice is a different question this research does not answer. A single case proves a door can open, not how often, or against how many attempts.

The ineffective-assistance situation was deliberately written at its hardest: nothing concealed, nothing new, a person who simply had no lawyer. A version in which the claim went unraised because post-conviction counsel was absent or ineffective could produce a different map.

Only three states give an appellate court a real power to reverse on the weight of the evidence. That number is reported because it is true, not because it supports a comparison; a case for changing Georgia's rule on that point has to rest on fairness, not on a count.

Wyoming's capital-counsel provisions conflict and no decision resolves them, so the capital finding is that Georgia is the only state with no mechanism, and not the only state where a condemned person cannot get a lawyer.

Of the 350 cells in the procedure pass, 339 are verified against a primary source; eleven are unverified and are listed rather than hidden, six on judicial reassignment, four on the successive-petition bar, one on screening. All 100 cells in the trial-record and weight pass are verified. Of the 300 cells in the capital-counsel pass, 295 are verified; the five that are not (Alaska, counsel standards; Kentucky, counsel standards; Michigan, deadline interaction; New Mexico, counsel standards; Wyoming, counsel standards) are not verdict cells. The three-situations pass covers 550 cells, 543 of them verified by re-fetching the cited source and confirming the quoted language is there.

These limits are stated because they cut against the conclusions above, and a reader is entitled to know that

before deciding what the numbers are worth.

A P P E N D I C E S

The record, state by state

The rule and the authority for every state on every question, and the verification record.

Appendix A. The time limit, state by state, by instrument

The first two columns give the instrument a conviction challenge travels on and the period that runs against it. "No limit" means the state sets no filing period for that route; "Not available" means habeas corpus no longer lies against a conviction there, having been absorbed into a post-conviction act. A star marks the states where habeas corpus, rather than a statute enacted to replace it, is the operative route today, which is the only fair comparison set for Georgia's four years. The 11 states with no limitations period and the 4 whose period cannot be excused are named in Part One.

State	Habeas corpus	Separate post-conviction remedy
Alabama	Not available Ala. R. Crim. P. 32.4 (subsumption); Ala. Code § 15-21-1 to -34 (habeas chapter, which contains no limitations period)	1 year Rule 32 petition for post-conviction relief (Ala. R. Crim. P. 32) · Ala. R. Crim. P. 32.2(c) (LIMITATIONS PERIOD)
Alaska	Not available Alaska R. Civ. P. 86(m) (habeas rule, amended through SCO 1829 eff. 10/15/2014); AS 12.75.020; AS 12.75.110; Fisher v. State, 315 P.3d 686 (Alaska App. 2013); Hertz v. State, 8 P.3d 1144 (Alaska App. 2000)	1 year Application for post-conviction relief, AS 12.72.010-.040 / Alaska Criminal Rule 35.1 · AS 12.72.020(a)(3)(A); construed in Geisinger v. State, 334 P.3d 1241 (Alaska App. 2014)
Arizona	No limit A.R.S. § 13-4121 (Prosecution of writ); habeas article A.R.S. §§ 13-4121 to 13-4147 contains no filing deadline. Narrowed by A.R.S. §§ 13-4131(B), 13-4132(1); Ariz. R. Crim. P. 32.3; Applications of Oppenheimer, 95 Ariz. 292, 389 P.2d 696 (1964).	90 days Post-Conviction Relief, Ariz. R. Crim. P. Rule 32 (defendants sentenced after trial or contested probation violation, and all capital cases) / Rule 33 (defendants who pled guilty or no contest) · Ariz. R. Crim. P. 32.4(b)(3)(A) (eff. Jan. 1, 2020); parallel provision Rule 33.4(b)(3)(A)
Arkansas	No limit ★ Renshaw v. Norris, 337 Ark. 494, 989 S.W.2d 515 (1999) (Ark. Sup. Ct.), construing Ark. Code Ann. §§ 16-112-101 to -123 and Ark. Const. art. 2, § 11; reaffirmed in Fields v. Kelley, 2018 Ark. 39	90 days Petition for postconviction relief under Arkansas Rule of Criminal Procedure 37.1 (Rule 37) · Ark. R. Crim. P. 37.2(c)(i) (Rules of Criminal Procedure, Arkansas Judiciary official text, current to 06/12/2025)
California	No limit ★ Robinson v. Lewis (2020) 9 Cal.5th 883, slip op. pp. 1, 13 (Cal. Supreme Ct., No. S228137); statutory basis Cal. Penal Code § 1473(a)	No limit Motion to vacate a conviction or sentence, Cal. Penal Code § 1473.7 (available only to a person no longer in criminal custody); companion motion to vacate under § 1473.6. California has NO general post-conviction act analogous to Pennsylvania's PCRA or Delaware's Rule 61. · Cal. Penal Code § 1473.7(b)(1), (c)

State	Habeas corpus	Separate post-conviction remedy
Colorado	No limit C.R.S. § 13-45-103(2) (Habeas Corpus Act, §§ 13-45-101 to -119); construed in <i>Duran v. Price</i> , 868 P.2d 375, 377 (Colo. 1994) and <i>Gottorff v. Lengerich</i> , 2026 CO 37 (June 1, 2026)	3 years Crim. P. 35(c) motion for postconviction review (statutory counterpart, C.R.S. § 18-1-410) · C.R.S. § 16-5-402(1); Colo. Crim. P. 35(c)(3)(I); applied <i>People v. Becker</i> , No. 25CA0627 (Colo. App. July 2, 2026), ¶ 8
Connecticut	5 years ★ Conn. Gen. Stat. § 52-470(c) (habeas jurisdiction: § 52-466; deadline added by P.A. 12-115, eff. Oct. 1, 2012); quoted verbatim in <i>Hobby v. Commissioner of Correction</i> , AC48638 (Conn. App. Apr. 21, 2026)	3 years Petition for a new trial (Conn. Gen. Stat. § 52-270), limitation at § 52-582(a) · Conn. Gen. Stat. § 52-582(a), quoted as currently in force in <i>Carter v. State</i> , AC40914 (Conn. App. Nov. 5, 2019); still operative per <i>Jones v. State</i> , AC47824 (Conn. App. Feb. 17, 2026)
Delaware	No limit 10 Del. C. §§ 6901; 6918 (Chapter 69, Habeas Corpus); construed by <i>Curran v. Woolley</i> , 104 A.2d 771, 773 (Del. 1954) and <i>Holloman v. State</i> , No. 372, 2022 (Del. Feb. 6, 2023)	1 year Superior Court Criminal Rule 61; Postconviction remedy · Del. Super. Ct. Crim. R. 61(i)(1) (Rules of Criminal Procedure, Superior Court of Delaware, 2026 Edition; Rule 61 last amended Dec. 15, 2023, eff. Jan. 1, 2024)
Florida	Not available <i>Baker v. State</i> , 878 So. 2d 1236, 1245 (Fla. 2004); Fla. R. Crim. P. 3.850(o); Fla. Stat. ch. 79	2 years Fla. R. Crim. P. 3.850; Motion to Vacate; Set Aside; or Correct Sentence · Fla. R. Crim. P. 3.850(b) (Florida Rules of Criminal Procedure, July 13, 2026, p. 340)
Georgia	4 years ★ O.C.G.A. § 9-14-42(c), quoted verbatim in <i>Stubbs v. Hall</i> , 308 Ga. 354, 357-358 (840 S.E.2d 407) (2020)	No limit Extraordinary motion for new trial, O.C.G.A. § 5-5-41 (Georgia has NO PCRA-style post-conviction act; the Habeas Corpus Act of 1967, O.C.G.A. § 9-14-40 et seq., is itself the post-conviction remedy) · O.C.G.A. § 5-5-41(a)-(b), quoted in <i>Mitchum v. State</i> , 306 Ga. 878, 880-881 (834 S.E.2d 65) (2019)
Hawaii	Not available Hawai'i Rules of Penal Procedure Rule 40(a) (eff. 01/01/2026)	No limit HRPP Rule 40 post-conviction proceeding (Petition for Post-Conviction Relief, Form A) · Hawai'i Rules of Penal Procedure Rule 40(a)(1)
Idaho	Not available Idaho Code § 19-4203(4) (Habeas Corpus and Institutional Litigation Procedures Act, I.C. tit. 19 ch. 42); accord I.C. § 19-4901(b); <i>Eubank v. State</i> , 130 Idaho 861, 949 P.2d 1068 (Ct. App. 1997)	1 year Uniform Post-Conviction Procedure Act (UPCPA) application, Idaho Code §§ 19-4901 to 19-4911 · Idaho Code § 19-4902(a)
Illinois	No limit <i>Beacham v. Walker</i> , 231 Ill. 2d 51, 58 (2008), construing the Habeas Corpus Act, 735 ILCS 5/10-101 to 10-137 (esp. 10-124)	6 months Post-Conviction Hearing Act, 725 ILCS 5/122-1 et seq. · 725 ILCS 5/122-1(c)

State	Habeas corpus	Separate post-conviction remedy
Indiana	Not available Ind. Rules of Procedure for Post-Conviction Remedies, Rule PC 1, §1(b) (eff. Feb. 2, 2026); see also §1(c); Ind. Code § 34-25.5 (habeas chapter, no limitations period)	No limit Petition for Post-Conviction Relief, Ind. Rules of Procedure for Post-Conviction Remedies, Rule PC 1 · Ind. Rules of Procedure for Post-Conviction Remedies, Rule PC 1, §1(a) (eff. Feb. 2, 2026)
Iowa	Not available Iowa Code § 822.1 (2026); construed in State v. Hernandez-Galarza, 864 N.W.2d 122, 127-28 (Iowa 2015); Allen v. State, 217 N.W.2d 528, 531 (Iowa 1974)	3 years Application for postconviction relief, Iowa Code ch. 822 (Iowa's enactment of the Uniform Postconviction Procedure Act, formerly ch. 663A) · Iowa Code § 822.3 (2026)
Kansas	Not available K.S.A. 60-1507(e) ('Exclusiveness of remedy'); K.S.A. 60-1501(a)-(c); Gilchrist v. City of Osawatomie, 238 Kan. 202, 708 P.2d 977 (1985)	1 year K.S.A. 60-1507 motion attacking sentence (Kansas analogue of 28 U.S.C. § 2255) · K.S.A. 60-1507(f)(1)-(2)
Kentucky	No limit KRS 419.020 (habeas statute), construed in Brumley v. Seabold, 885 S.W.2d 954 (Ky. App. 1994); scope set by Commonwealth v. Marcum, 873 S.W.2d 207 (Ky. 1994)	3 years RCr 11.42 motion to vacate, set aside or correct sentence · Ky. R. Crim. P. (RCr) 11.42(10), quoted verbatim in Bush v. Commonwealth, 236 S.W.3d 621 (Ky. App. 2007)
Louisiana	Not available La. Code Crim. Proc. art. 351 (Title IX, Habeas Corpus), amended by Acts 1980, No. 429, §2; construed in State ex rel. Glover v. State, 660 So. 2d 1189 (La. 1995)	2 years Application for Post Conviction Relief, La. Code Crim. Proc. Title XXXI-A, arts. 924-930.8 · La. Code Crim. Proc. art. 930.8(A) (Acts 1990, No. 1023; Acts 1999, No. 1262; Acts 2004, No. 401; Acts 2013, No. 251; Acts 2021, No. 104; Acts 2024, 2d Ex. Sess., No. 10; Acts 2025, No. 393)
Maine	Not available 15 M.R.S. § 2122 (Purpose), Title 15 ch. 305-A; and 14 M.R.S. § 5502 ("Post-conviction habeas corpus") REPEALED by PL 1979, c. 701, § 2	1 year Post-conviction review, 15 M.R.S. ch. 305-A (§§ 2121-2132) · 15 M.R.S. § 2128-B(1) (Time for filing; PL 2011, c. 601, § 11)
Maryland	No limit Md. Code, Cts. & Jud. Proc. § 3-702(a) (whole subtitle, §§ 3-701 to 3-707, read; contains no limitations period); confirmed as a surviving remedy by Sabisch v. Moyer, 466 Md. 327 (2019), quoting Douglas v. State, 423 Md. 156, 175 (2011)	10 years Maryland Uniform Postconviction Procedure Act (UPPA), Md. Code, Crim. Proc. §§ 7-101 to 7-301 · Md. Code, Crim. Proc. § 7-103(b)
Massachusetts	Not available G. L. c. 248, § 25 (as appearing in St. 1979, c. 344, § 12); see also G. L. c. 248, § 1; Stewart, petitioner, 411 Mass. 566, 569 (1992); Soura, petitioner, 436 Mass. 1003 (2002)	No limit Motion for postconviction relief / new trial, Mass. R. Crim. P. 30(a); (b) · Mass. R. Crim. P. 30(a), 378 Mass. 900 (1979), amended Sept. 6, 2001, eff. Oct. 1, 2001

State	Habeas corpus	Separate post-conviction remedy
Michigan	No limit MCL 600.4307 (Revised Judicature Act of 1961, ch. 43, Habeas Corpus); right to bring; no period prescribed. Narrowed by MCL 600.4310(3) and <i>Moses v Dep't of Corrections</i> , 274 Mich App 481, 485-486 (2007) (published).	No limit Motion for relief from judgment, MCR subchapter 6.500 (Postappeal Relief), MCR 6.501-6.509 · MCR 6.502(G)(1), Michigan Court Rules of 1985 (updated May 1, 2026); the only limitation on the motion is numerical, not temporal
Minnesota	No limit Minn. Stat. § 589.01 (2025); construed in <i>Kelsey v. State</i> , 283 N.W.2d 892, 894 (Minn. 1979)	2 years Petition for postconviction relief, Minn. Stat. ch. 590 (Minnesota postconviction remedy act) · Minn. Stat. § 590.01, subd. 4(a) (2025)
Mississippi	Not available Miss. Code Ann. § 99-39-3(1) (Laws 1984, ch. 378, § 2), quoted and applied in <i>Taylor v. State</i> , No. 2023-CA-00738-COA (Miss. Ct. App.)	3 years Mississippi Uniform Post-Conviction Collateral Relief Act (UPCCRA), Miss. Code Ann. §§ 99-39-1 to 99-39-29 · Miss. Code Ann. § 99-39-5(2)
Missouri	No limit ★ Mo. Sup. Ct. R. 91.01(b) (habeas rule; no limitations period anywhere in Rule 91's 21 subsections or in RSMo ch. 532); narrowed by <i>State ex rel. Simmons v. White</i> , 866 S.W.2d 443 (Mo. banc 1993) and <i>State ex rel. Zinna v. Steele</i> , 301 S.W.3d 510 (Mo. banc 2010)	6 months Motion to vacate, set aside or correct judgment or sentence; Mo. Sup. Ct. R. 29.15 (conviction after trial) and Mo. Sup. Ct. R. 24.035 (conviction after guilty plea) · Mo. Sup. Ct. R. 29.15(b) (identical text in R. 24.035(b))
Montana	No limit <i>Lott v. State</i> , 2006 MT 279, ¶ 22, 334 Mont. 270, 150 P.3d 337 (construing Mont. Code Ann. § 46-22-101(2) against Mont. Const. art. II, § 19)	1 year Petition for postconviction relief, Montana Postconviction Hearing Act, Mont. Code Ann. tit. 46, ch. 21 · Mont. Code Ann. § 46-21-102(1) (2025)
Nebraska	No limit ★ Neb. Rev. Stat. §§ 29-2801 to 29-2824 (habeas corpus article; contains no limitations period); <i>Tyrrell v. Frakes</i> , 309 Neb. 85, 958 N.W.2d 673 (2021)	1 year Nebraska Postconviction Act, Neb. Rev. Stat. §§ 29-3001 to 29-3004 · Neb. Rev. Stat. § 29-3001(4) (added by Laws 2011, LB137, § 1; amended Laws 2023, LB50, § 18)
Nevada	1 year ★ Nev. Rev. Stat. § 34.726(1) (time limit), read with § 34.720 (scope) and § 34.724(2) (b) (exclusivity); bars held mandatory in <i>State v. Eighth Judicial Dist. Court (Riker)</i> , 121 Nev. 225 (2005)	None · Nev. Rev. Stat. § 34.724(2)(b); cited to establish that NO separate post-conviction act exists; the former Post-Conviction Relief Act (NRS 177.315; 177.385) was repealed in 1991 and Chapter 177 now contains only appeal provisions (NRS 177.015; 177.305)
New Hampshire	No limit ★ <i>Mallard v. Warden, N.H. State Prison</i> , No. 2021-0357, slip op. at 6 (N.H. Jan. 4, 2023) (quoting <i>State v. Daigle</i> , 114 N.H. 679, 681 (1974)); see RSA ch. 534	3 years Petition for a new trial, RSA ch. 526 (RSA 526:1) · RSA 526:4 (Time)

State	Habeas corpus	Separate post-conviction remedy
New Jersey	Not available N.J.S.A. 2A:67-14(b) (Habeas Corpus Act, L.1951 (1st SS), c.344); accompanied by N.J. Ct. R. 3:22-3 and R. 3:22-2(d); applied in Janiec v. McCorkle, 52 N.J. Super. 1, 12 (App. Div. 1958)	5 years Petition for post-conviction relief under N.J. Ct. R. 3:22 (court rule, not a statute; New Jersey has no post-conviction statute) · N.J. Ct. R. 3:22-12(a)(1) (official text, njcourts.gov, amendments through June 1, 2026)
New Mexico	No limit ★ State v. Sutphin, 2007-NMSC-045, ¶ 12, 142 N.M. 191, 164 P.3d 72 (N.M. Sup. Ct.); accord Rule 5-802 NMRA (habeas corpus), which contains no filing deadline for conviction/sentence challenges	No limit NMSA 1978 § 31-11-6 'Post-conviction remedy' (a § 2255-style motion to vacate, preempted by Rule 5-802 NMRA); separately, Rule 5-803 NMRA 'post-sentence relief' for petitioners who have completed their sentences · NMSA 1978 § 31-11-6(A)
New York	No limit N.Y. C.P.L.R. § 7002(a) (art. 70, Habeas Corpus); construed in People ex rel. Keitt v. McMann, 18 N.Y.2d 257 (1966)	No limit CPL article 440 motion; CPL 440.10 (motion to vacate judgment); CPL 440.20 (motion to set aside sentence) · N.Y. Crim. Proc. Law § 440.10(1)
North Carolina	No limit N.C. Gen. Stat. § 17-4(2) (habeas denied where detention rests on a final judgment of a competent tribunal); scope confirmed by In re Burton, 257 N.C. 534, 540 (1962), quoted in In re Imprisonment of Stevens, 28 N.C. App. 471, 474 (1976)	7.0 years Motion for Appropriate Relief (MAR), N.C. Gen. Stat. ch. 15A, art. 89 (§§ 15A-1411 to 15A-1422) · N.C. Gen. Stat. § 15A-1415(a1) (noncapital, seven years), added by S.L. 2025-70, s. 15(a); § 15A-1415(a) (capital, 120 days)
North Dakota	No limit N.D. Cent. Code § 32-22-02 (Habeas Corpus; Who not entitled to relief); ch. 32-22 entire	2 years Uniform Postconviction Procedure Act, N.D. Cent. Code ch. 29-32.1 · N.D. Cent. Code § 29-32.1-01(2)
Ohio	No limit ★ Leyman v. Bradshaw, 146 Ohio St.3d 522, 2016-Ohio-1093, ¶ 8-9 (Ohio Sup. Ct.); R.C. 2725.05; R.C. Chapter 2725 (2725.01-2725.28, no limitations period); Ohio Const. art. I, § 8; art. IV, § 3(B)(1)(c)	1 year Petition for postconviction relief, R.C. 2953.21 · Ohio Rev. Code § 2953.21(A)(2)(a) (current version eff. Apr. 12, 2021, H.B. 136)
Oklahoma	Not available Okla. Stat. tit. 22, § 1080 (as amended by Laws 2022, c. 144, § 1, eff. Nov. 1, 2022)	1 year Application for post-conviction relief under the Post-Conviction Procedure Act, Okla. Stat. tit. 22, §§ 1080-1089 · Okla. Stat. tit. 22, § 1080.1(A) (added by Laws 2022, c. 144, § 2, eff. Nov. 1, 2022)
Oregon	Not available ORS 34.330 (Who may not prosecute writ), read with ORS 138.540(1) and Bartz v. State of Oregon, 314 Or 353, 364-66 (1992)	2 years Post-Conviction Hearing Act petition, ORS 138.510-138.680 · ORS 138.510(3)

State	Habeas corpus	Separate post-conviction remedy
Pennsylvania	Not available 42 Pa.C.S. § 6503(b) (Ch. 65, §§ 6501; 6505, read in full, contains no limitations period); Commonwealth v. West, 938 A.2d 1034 (Pa. 2007)	1 year Post Conviction Relief Act (PCRA), 42 Pa.C.S. §§ 9541; 9546 · 42 Pa.C.S. § 9545(b)(1); accord Pa.R.Crim.P. 901(A)
Rhode Island	Not available R.I. Gen. Laws § 10-9-1 (P.L. 1974, ch. 220, § 1), as construed in DiLibero v. State, 996 A.2d 599, 600 (R.I. 2010) (quoting State v. Grieco, 430 A.2d 412, 413 n.1 (R.I. 1981))	No limit Post Conviction Remedy, R.I. Gen. Laws ch. 10-9.1 · R.I. Gen. Laws § 10-9.1-3 (P.L. 1974, ch. 220, § 3)
South Carolina	No limit Moore v. Stirling, Op. No. 28088 (S.C. Apr. 6, 2022) (orig. juris. habeas; quoting Williams v. Ozmint, 380 S.C. 473, 477, 671 S.E.2d 600, 602 (2008)); S.C. Const. art. I, § 18 & art. V, § 5; S.C. Code Ann. §§ 17-17-10 to -200	1 year Uniform Post-Conviction Procedure Act; application for post-conviction relief (PCR), S.C. Code Ann. §§ 17-27-10 to -160 · S.C. Code Ann. § 17-27-45(A)
South Dakota	2 years ★ SDCL 21-27-3.3 (Two-year statute of limitation), enacted SL 2012, ch 118, § 3; read with SDCL 21-27-1 and Asmussen v. Young, 2019 S.D. 51, ¶¶ 4, 6	None · SDCL ch. 23A-34 (Post-Conviction Proceedings); repealed by SL 1983, ch 169, § 15; South Dakota has had no separate post-conviction act since
Tennessee	No limit ★ Hickman v. State, 153 S.W.3d 16, 20 (Tenn. 2004) (Tenn. Supreme Court, construing Tenn. Code Ann. §§ 29-21-101 to -130)	1 year Post-Conviction Procedure Act petition, Tenn. Code Ann. §§ 40-30-101 to -122 · Tenn. Code Ann. § 40-30-102(a)
Texas	No limit ★ Tex. Code Crim. Proc. art. 11.07 (article contains no filing deadline), as rewritten by Act of May 29, 1995, 74th Leg., R.S., ch. 319, sec. 5 (S.B. 440); Ex parte Carrio, 992 S.W.2d 486 (Tex. Crim. App. 1999) (majority footnote)	None · Tex. Code Crim. Proc. art. 11.07, Sec. 5 (exclusivity clause), read in S.B. 440 enrolled text, 74th Leg., R.S. (1995); Texas enacted no PCRA-style post-conviction act; habeas is itself the post-conviction remedy
Utah	Not available Utah Code § 78B-9-102(1)(a) (Post-Conviction Remedies Act), Replacement of prior remedies (eff. 5/9/2017)	1 year Petition for post-conviction relief under the Post-Conviction Remedies Act, Utah Code Title 78B, Chapter 9, filed under Utah R. Civ. P. 65C · Utah Code § 78B-9-107(1) (eff. 5/4/2022)
Vermont	No limit 13 V.S.A. § 7136 (Priority of procedure); habeas remedy itself at 12 V.S.A. ch. 143, §§ 3951-3985	No limit Post-conviction relief / petition for review, 13 V.S.A. §§ 7131-7137 · 13 V.S.A. § 7131 (Prisoner in custody under sentence)

State	Habeas corpus	Separate post-conviction remedy
Virginia	2 years ★ Va. Code § 8.01-654(A)(2) (Code 1950, § 8-596; as amended through 2021 Sp. Sess. I, cc. 344, 345)	No limit Writ of actual innocence; Va. Code ch. 19.2 (§ 19.2-327.2, biological evidence, Supreme Court of Virginia) and ch. 19.3 (§ 19.2-327.10, nonbiological evidence, Court of Appeals). Innocence-only; NOT a general post-conviction act. Virginia has no PCRA/Rule 32/Rule 61 analogue. · Va. Code § 19.2-327.10 (nonbiological); § 19.2-327.2 (biological); contents provision § 19.2-327.11; no filing period appears anywhere in either chapter
Washington	1 year ★ RCW 10.73.090(1)-(2) (one-year bar; definition expressly names habeas); RCW 7.36.130(1) (habeas chapter cross-references the same limit); RCW 7.36.010, .040 (writ still granted by superior court); RAP 16.3(b) (superior-court habeas expressly NOT superseded)	1 year Personal restraint petition (RAP 16.3-16.15), with trial-court motions for relief from judgment under CrR 7.8 transferred to the Court of Appeals to be treated as PRPs · RAP 16.4(d); RCW 10.73.090(1)-(2) (which names 'a personal restraint petition' first in the definition of collateral attack); CrR 7.8(b), (c)(2)
West Virginia	No limit ★ W. Va. Code § 53-4A-1(f) (Post-Conviction Habeas Corpus Act, Ch. 53 Art. 4A); confirmed by W. Va. Rules Governing Post-Conviction Habeas Corpus Proceedings, Rules 1-10 (no limitations period)	No limit None · W. Va. Code § 53-4A-1(f); establishes there is NO separate post-conviction vehicle; the Art. 4A habeas writ is the exclusive remedy
Wisconsin	No limit ★ State ex rel. Lopez-Quintero v. Dittmann, 2019 WI 58, ¶21 (Wis. Sup. Ct.), construing Wis. Stat. ch. 782 and § (Rule) 809.51	No limit Motion for postconviction relief under Wis. Stat. § 974.06 (collateral attack on sentence/conviction) · Wis. Stat. § 974.06(2)
Wyoming	No limit ★ Nixon v. State, 2002 WY 118, ¶ 12 (Wyo. 2002) (construing Wyo. Stat. Ann. §§ 1-27-101 through 1-27-134); accord Saunders v. Hornecker, 2015 WY 34, ¶ 11; Parkhurst v. State, 2019 WY 63, ¶ 14; statutory narrowing at Wyo. Stat. § 1-27-125	5 years Post-conviction relief, Wyo. Stat. Ann. §§ 7-14-101 through 7-14-108 (Title 7, ch. 14, "Remedy for Violation of Constitutional Rights") · Wyo. Stat. Ann. § 7-14-103(d), quoted verbatim in Parkhurst v. State, 2019 WY 63, n.5 (Wyo. 2019)

Appendix B. The fifteen questions, state by state

For each question: the state, the short description of its rule, and the authority the cell rests on. "Unverified" marks a cell whose cited source could not be retrieved and checked, or which reached no primary source. The full answer and the quoted language for every cell are at <https://gps.press/post-conviction-fifty-states-data/>.

Post-conviction procedure

Seven questions about how a person already convicted can have a court examine whether the conviction was

lawfully obtained.

B.1 Where an ineffective-assistance claim must be raised

Whether a claim that your trial lawyer failed you belongs on direct appeal or in a later post-conviction proceeding, and what happens if you choose wrong. 50 of 50 states verified.

State	Rule	Authority
Alabama	Earliest opportunity	Ala. R. Crim. P. 32.2(d); Ala. R. Crim. P. 24.1(b); Ex parte Ingram, 675 So. 2d 863, 865 (Ala. 1996)
Alaska	Post-conviction only	AS 12.72.010(9); Barry v. State, 675 P.2d 1292 (Alaska App. 1984)
Arizona	Post-conviction only	Ariz. R. Crim. P. 32.2(a)(3); State v. Spreitz, 202 Ariz. 1, 39 P.3d 525 (Ariz. 2002)
Arkansas	Post-conviction only	Ark. R. Crim. P. 37.1; Ark. R. Crim. P. 33.3(b); Ratchford v. State, 357 Ark. 27, 159 S.W.3d 304 (2004)
California	Post-conviction preferred	People v. Mendoza Tello (1997) 15 Cal.4th 264
Colorado	Post-conviction preferred	Colo. R. Crim. P. 35(c); C.R.S. § 18-1-410; Ardolino v. People, 69 P.3d 73, 77 (Colo. 2003)
Connecticut	Post-conviction only	State v. Leecan, 198 Conn. 517 (1986)
Delaware	Post-conviction only	Del. Super. Ct. Crim. R. 61; Rule 61(i)(2)-(3); Urquhart v. State, 203 A.3d 719, 726-27 (Del. 2019); Desmond v. State, 654 A.2d 821, 829 (Del. 1994)
Florida	Post-conviction only	Fla. R. Crim. P. 3.850(c) ("This rule does not authorize relief based on grounds that could have or should have been raised at trial and, if properly preserved, on direct appeal of the judgment and sentence."); McKinney v. State, 579 So. 2d 80, 82 (Fla. 1991); see also Loren v. State, 601 So. 2d 271, 273 (Fla. 1st DCA 1992)
Georgia	Earliest opportunity	O.C.G.A. § 9-14-48(d); White v. Kelso, 261 Ga. 32 (1991); see also Glover v. State, 266 Ga. 183 (1996)
Hawaii	Either forum	Haw. R. Penal P. 40(a)(3), 40(f); State v. Silva, 75 Haw. 419, 864 P.2d 583 (1993)
Idaho	Either forum	Idaho Code § 19-4901(b); State v. Spry, 127 Idaho 107, 109 (Ct. App. 1995); Matthews v. State, 122 Idaho 801, 806 (1992); Severson v. State, 159 Idaho 517, 521-22 (2015)
Illinois	Direct appeal required	People v. Veach, 2017 IL 120649, ¶¶ 46-48 (citing People v. Tate, 2012 IL 112214, ¶ 14)
Indiana	Either forum	Woods v. State, 701 N.E.2d 1208, 1210 (Ind. 1998)
Iowa	Post-conviction only	Iowa Code § 814.7 (rewritten by 2019 Iowa Acts ch. 140, § 31, eff. 7/1/2019); State v. Treptow, 960 N.W.2d 98, 103-06, 110 (Iowa 2021); State v. Tucker, 959 N.W.2d 140, 152 (Iowa 2021)
Kansas	Post-conviction only	K.S.A. 60-1507(a); Kan. S. Ct. R. 183(c)(3); State v. Van Cleave, 239 Kan. 117, 119-21, 716 P.2d 580 (1986)
Kentucky	Post-conviction preferred	Ky. R. Crim. P. (RCr) 11.42; RCr 10.26; Humphrey v. Commonwealth, 962 S.W.2d 870, 872 (Ky. 1998); Martin v. Commonwealth, 207 S.W.3d 1 (Ky. 2006); Sanborn v. Commonwealth, 975 S.W.2d 905, 909 (Ky. 1998)
Louisiana	Post-conviction preferred	La. C. Cr. P. art. 924.1; La. C. Cr. P. art. 930.4(A), (C); State v. Truitt, 500 So. 2d 355, 359 (La. 1987); State v. Ratcliff, 416 So. 2d 528, 530 (La. 1982)

State	Rule	Authority
Maine	Post-conviction only	15 M.R.S. §§ 2122, 2128(1), (3); State v. Nichols, 1997 ME 178, ¶¶ 4-5, 698 A.2d 521 (reaffirmed in State v. Ali, 2011 ME 122, ¶ 20, and State v. Troy, 2014 ME 65, ¶ 3, 91 A.3d 1064)
Maryland	Post-conviction preferred	Md. Code Ann., Crim. Proc. § 7-106(a)(1)(i), (b)(1)-(2); Robinson v. State, 404 Md. 208 (2008)
Massachusetts	Post-conviction preferred	Mass. R. Crim. P. 30(b), (c)(2); Commonwealth v. Zinser, 446 Mass. 807 (2006)
Michigan	Either forum	MCR 6.508(D)(3); see also MCR 6.508(D)(2), MCR 7.211(C)(1); People v. Ginther, 390 Mich 436 (1973)
Minnesota	Earliest opportunity	Minn. Stat. § 590.01, subd. 1; Onyelobi v. State, 932 N.W.2d 272 (Minn. 2019); Torres v. State, 688 N.W.2d 569, 572 (Minn. 2004); State v. Knaffla, 309 Minn. 246, 243 N.W.2d 737 (1976)
Mississippi	Either forum	Miss. R. App. P. 22(b); Miss. Code Ann. §§ 99-39-21(1), 99-39-3(2)
Missouri	Post-conviction only	Mo. Sup. Ct. R. 29.15(a), (d); Mo. Sup. Ct. R. 24.035(a), (d); State v. Nettles, 481 S.W.3d 62, 69 (Mo. App. E.D. 2015)
Montana	Earliest opportunity	§ 46-21-105(2), MCA; State v. White, 2001 MT 149, ¶ 12, 306 Mont. 58, 30 P.3d 340 (adopting the rule of Hagen v. State, 1999 MT 8); restated in State v. Hooper, 2016 MT 237, ¶ 5
Nebraska	Direct appeal required	Neb. Rev. Stat. §§ 29-3003, 29-3001(1); State v. Molina, 271 Neb. 488, 713 N.W.2d 412 (2006) (quoted); State v. Filholm, 287 Neb. 763, 848 N.W.2d 571 (2014) (modern statement of the rule)
Nevada	Post-conviction only	NRS 34.810(1)(b); Feazell v. State, 111 Nev. 1446, 1449 (1995); Pellegrini v. State, 117 Nev. 860, 883-84 (2001)
New Hampshire	Post-conviction only	RSA 526:1; RSA 526:2; State v. Pepin, 159 N.H. 310, 312-13 (2009); State v. Veale, 154 N.H. 730, 741 (2007); Avery v. Cunningham, 131 N.H. 138, 142-44 (1988)
New Jersey	Post-conviction only	N.J. Ct. R. 3:22-4(a); N.J. Ct. R. 3:22-5; State v. Preciose, 129 N.J. 451, 460 (1992)
New Mexico	Post-conviction preferred	Rule 5-802 NMRA (rule text itself not retrievable; see notes); Duncan v. Kerby, 115 N.M. 344, 851 P.2d 466 (1993); State v. Sutphin, 2007-NMSC-045, 142 N.M. 191, 164 P.3d 72 (fundamental-error limit, ¶ 10)
New York	Either forum	CPL 440.10(2)(b), (2)(c), as amended by L 2021, ch 501 §§ 1-2; cf. CPL 440.10(2)(a), 440.10(3)(a); People v. Brown, 45 N.Y.2d 852, 853-854 (1978); People v. Bachert, 69 N.Y.2d 593 (1987)
North Carolina	Either forum	N.C.G.S. § 15A-1419(a)(3), (b), (c)(1); State v. Fair, 354 N.C. 131, 166 (2001)
North Dakota	Either forum	N.D.C.C. § 29-32.1-12(1), (2)(a); State v. Strutz, 2000 ND 22, ¶¶ 26-27, 606 N.W.2d 886 (reaffirmed in State v. Atkins, 2019 ND 145, ¶ 3, 928 N.W.2d 441)
Ohio	Earliest opportunity	Ohio Rev. Code 2953.21(A)(1)(a); State v. Cole (1982), 2 Ohio St.3d 112, 443 N.E.2d 169 (applying State v. Perry (1967), 10 Ohio St.2d 175)
Oklahoma	Direct appeal required	22 O.S. § 1086; Rule 3.11(B)(3)(b), Rules of the Okla. Court of Criminal Appeals, Title 22, Ch. 18, App.; Logan v. State, 2013 OK CR 2, 293 P.3d 969, ¶¶ 3-5
Oregon	Post-conviction only	ORS 138.550(2); State v. Robinson, 25 Or App 675, 550 P.2d 758 (1976); Turner v. Cupp, 1 Or App 596, 465 P.2d 249 (1970)
Pennsylvania	Post-conviction preferred	42 Pa.C.S. § 9543(a)(2)(ii); 42 Pa.C.S. § 9544(b); Commonwealth v. Grant, 813 A.2d 726 (Pa. 2002); Commonwealth v. Holmes, 79 A.3d 562 (Pa. 2013)

State	Rule	Authority
Rhode Island	Post-conviction preferred	R.I. Gen. Laws § 10-9.1-1(b) (post-conviction remedy "is not a substitute for nor does it affect any remedy incident to the proceedings in the trial court, or of direct review"); State v. Levitt, 118 R.I. 32, 371 A.2d 596 (1977); State v. Gonsalves, 476 A.2d 108 (R.I. 1984); State v. Rondeau, 480 A.2d 398 (R.I. 1984); State v. Rupert, 649 A.2d 1013 (R.I. 1994)
South Carolina	Post-conviction only	S.C. Code Ann. § 17-27-20(B); Rule 71.1(b), SCRCPP; State v. Felder, 290 S.C. 521, 351 S.E.2d 852 (1986)
South Dakota	Post-conviction only	SDCL 21-27-3.1 (habeas 'cannot be maintained while an appeal from the applicant's conviction and sentence is pending or during the time within which such appeal may be perfected'); State v. Dillon, 2001 SD 97, ¶ 28, 632 N.W.2d 37
Tennessee	Either forum	Tenn. Code Ann. § 40-30-106(g), (h); Thompson v. State, 958 S.W.2d 156, 161 (Tenn. Crim. App. 1997)
Texas	Either forum	Ex parte Nailor, 149 S.W.3d 125, 131 (Tex. Crim. App. 2004); Ex parte Torres, 943 S.W.2d 469, 475 (Tex. Crim. App. 1997)
Utah	Either forum	Utah Code § 78B-9-106(1)(a)-(c), (3)(a); § 78B-9-104(1)(d); Utah R. App. P. 23B
Vermont	Post-conviction only	13 V.S.A. § 7131; State v. Gabaree, 149 Vt. 229, 232-33, 542 A.2d 272, 274 (1988); accord State v. Tobin, 2018 VT 108, ¶ 10, 199 A.3d 1069; State v. Judkins, 161 Vt. 593, 594 (1993) (mem.)
Virginia	Post-conviction only	Va. Code § 8.01-654(B)(6); Lenz v. Commonwealth, 261 Va. 451, 544 S.E.2d 299 (2001); see also Slayton v. Parrigan, 215 Va. 27, 205 S.E.2d 680 (1974)
Washington	Either forum	State v. McFarland, 127 Wn.2d 322, 335 & n.5, 899 P.2d 1251 (1995)
West Virginia	Post-conviction preferred	W. Va. Code § 53-4A-1(b), (c); State v. Triplett, 187 W. Va. 760, 421 S.E.2d 511 (1992); State v. Miller, 194 W. Va. 3, 459 S.E.2d 114 (1995); Losh v. McKenzie, 166 W. Va. 762, 277 S.E.2d 606 (1981)
Wisconsin	Post-conviction only	Wis. Stat. § (Rule) 809.30(2)(h); Wis. Stat. § 974.02(2); Wis. Stat. § 974.06(4); State v. Machner, 92 Wis. 2d 797, 285 N.W.2d 905 (Ct. App. 1979); State ex rel. Rothering v. McCaughtry, 205 Wis. 2d 675 (Ct. App. 1996)
Wyoming	Direct appeal required	Wyo. Stat. Ann. § 7-14-103(a)(i), (b)(i)-(iii); Keats v. State, 2005 WY 81, ¶ 12, 115 P.3d 1110, 1115 (Wyo. 2005)

B.2 The time limit for challenging the lawfulness of a conviction

How long a person has to bring the challenge their state provides (in Georgia, a petition for a writ of habeas corpus), what starts the clock, and whether a late filing can be excused. The states do not all use the same instrument, so the periods are not directly comparable; they are set against each other, with the instrument named, in the section on the time limit. 50 of 50 states verified.

State	Rule	Authority
Alabama	1 year	Ala. R. Crim. P. 32.2(c); Kuenzel v. State, 204 So. 3d 910 (Ala. Crim. App. 2015); Ex parte Ward, 46 So. 3d 888 (Ala. 2007)
Alaska	18 months	AS 12.72.020(a)(3), (b)
Arizona	90 days	Ariz. R. Crim. P. 32.4(b)(3); accord A.R.S. § 13-4234(C)
Arkansas	90/60 days	Ark. R. Crim. P. 37.2(c); Shoemate v. State, 339 Ark. 403, 5 S.W.3d 446 (1999)

State	Rule	Authority
California	Reasonable time	Cal. Penal Code § 1509(c)-(d) (capital); § 1473(b)(1)(C); In re Robbins (1998) 18 Cal.4th 770
Colorado	3 years	C.R.S. § 16-5-402(1), (2); People v. Hampton, 876 P.2d 1236 (Colo. 1994)
Connecticut	No deadline	Conn. Gen. Stat. § 52-470(c), (e), (f)
Delaware	1 year	Del. Super. Ct. Crim. R. 61(i)(1); Zebroski v. State, 12 A.3d 1115, 1120 (Del. 2010); Staats v. State, 961 A.2d 514, 517 (Del. 2008)
Florida	2 years	Fla. R. Crim. P. 3.850(b); cf. Fla. R. Crim. P. 3.851(d)(1) (capital: 1 year); In re Amendments to the Florida Rules of Criminal Procedure; 2018 Regular-Cycle Report, 265 So. 3d 494, 532-33 (Fla. 2018) (appendix reproducing rule 3.850(b)); Steele v. Kehoe, 747 So. 2d 931 (Fla. 1999)
Georgia	4 years	O.C.G.A. § 9-14-42(c); O.C.G.A. § 40-13-33(a), (d)
Hawaii	No deadline	Haw. R. Penal P. 40(a)(1)
Idaho	1 year	Idaho Code § 19-4902(a); § 19-4902(b); Charboneau v. State, 144 Idaho 900, 904-05 (2007); Windom v. State, 162 Idaho 417, 422 (2017); Rhoades v. State, 148 Idaho 247, 251-53 (2009)
Illinois	6 months	725 ILCS 5/122-1(c); People v. Bocclair, 202 Ill. 2d 89 (2002)
Indiana	No deadline	Ind. Post-Conviction Rule 1 § 1(a); § 1(a)(4); Armstrong v. State, 747 N.E.2d 1119, 1120 (Ind. 2001)
Iowa	3 years	Iowa Code § 822.3; Schmidt v. State, 909 N.W.2d 778, 798-99, 802 (Iowa 2018); Sandoval v. State, 975 N.W.2d 434, 437-38 (Iowa 2022); Quinn v. State, 954 N.W.2d 75, 76-77 (Iowa Ct. App. 2020)
Kansas	1 year	K.S.A. 60-1507(f)(1)-(3)
Kentucky	3 years	Ky. R. Crim. P. (RCr) 11.42(10), (10)(a), (10)(b); Robertson v. Commonwealth, 177 S.W.3d 789, 790 (Ky. 2005) (setting out the rule verbatim); Palmer v. Commonwealth, 3 S.W.3d 763, 764 (Ky. App. 1999) (accrual); Hallum v. Commonwealth, 347 S.W.3d 55 (Ky. 2011); Roach v. Commonwealth, 384 S.W.3d 131 (Ky. 2012)
Louisiana	2 years	La. C. Cr. P. art. 930.8(A), (F); State ex rel. Glover v. State, 660 So. 2d 1189 (La. 1995) (upholding the art. 930.8 time bar against federal and state constitutional challenge, when the period was three years)
Maine	1 year	15 M.R.S. § 2128-B(1); Armstrong v. State, 2025 ME 12, ¶¶ 15-16
Maryland	10 years	Md. Code Ann., Crim. Proc. § 7-103(b)
Massachusetts	No deadline	Mass. R. Crim. P. 30(a), (b); Rodwell v. Commonwealth, 432 Mass. 1016 (2000)
Michigan	No deadline	MCR 6.431(A)(4); MCR 6.502 (no limitations provision); MCR 7.205(A)(2)(a)
Minnesota	2 years	Minn. Stat. § 590.01, subd. 4(a)-(c); Carlton v. State, 816 N.W.2d 590 (Minn. 2012)
Mississippi	3 years	Miss. Code Ann. § 99-39-5(2)
Missouri	90/180 days	Mo. Sup. Ct. R. 29.15(b), (m); Mo. Sup. Ct. R. 24.035(b), (m); Price v. State, 422 S.W.3d 292, 301-02 (Mo. banc 2014); Dorris v. State, 360 S.W.3d 260, 268 (Mo. banc 2012)
Montana	1 year	§ 46-21-102(1)-(2), MCA; Davis v. State, 2008 MT 226, ¶¶ 23-25, 344 Mont. 300, 187 P.3d 654 (reversing Petition of Gray, Peña, and Wells to the extent they treated the bar as jurisdictional)

State	Rule	Authority
Nebraska	1 year	Neb. Rev. Stat. § 29-3001(4); State v. Boeggeman, 316 Neb. 581, 5 N.W.3d 735 (2024); State v. Trail, 319 Neb. 84, 21 N.W.3d 61 (2025)
Nevada	1 year	NRS 34.726(1); NRS 34.800; NRS 34.960(1); State v. Eighth Judicial Dist. Court (Riker), 121 Nev. 225 (2005); Pellegrini v. State, 117 Nev. 860, 887 (2001); Rippo v. State, 423 P.3d 1084 (Nev. 2018)
New Hampshire	3 years	RSA 526:4; RSA 651-D:2, I and VI(b); State v. Looney, 154 N.H. 801 (2007); State v. Breest, 169 N.H. 640 (2017)
New Jersey	5 years	N.J. Ct. R. 3:22-12(a)(1), (a)(2), (c); N.J. Ct. R. 3:20-2; State v. Brewster, 429 N.J. Super. 387, 398 (App. Div. 2013)
New Mexico	No deadline	State v. Sutphin, 2007-NMSC-045, ¶¶ 12, 15, 142 N.M. 191, 164 P.3d 72
New York	No deadline	CPL 440.10(1); CPL 440.10(1)(g); CPL 440.30(1)(b)(ii); CPL 440.30(1-a)(a)(2)(ii)
North Carolina	No deadline	N.C.G.S. § 15A-1415(a), (a1), (c), (c1), (d); S.L. 2025-70, s. 15(c)
North Dakota	2 years	N.D.C.C. § 29-32.1-01(2), (3); Hieb v. State, 2016 ND 146, ¶¶ 7, 10-12, 882 N.W.2d 724
Ohio	1 year	Ohio Rev. Code 2953.21(A)(2)(a); Ohio Rev. Code 2953.23(A)
Oklahoma	1 year	22 O.S. § 1080.1(A); § 1080.1(B) (applies to jurisdictional claims); Acosta v. State, 2026 OK CR 9, ¶¶ 4-6; Hammon v. State, 2023 OK CR 19
Oregon	2 years	ORS 138.510(3); Bartz v. State of Oregon, 314 Or 353, 839 P2d 217 (1992); Verduzco v. State of Oregon, 357 Or 553, 355 P3d 172 (2015)
Pennsylvania	1 year	42 Pa.C.S. § 9545(b)(1)-(3); Commonwealth v. Murray, 753 A.2d 201 (Pa. 2000); Commonwealth v. Eller, 807 A.2d 838 (Pa. 2002)
Rhode Island	No deadline	R.I. Gen. Laws § 10-9.1-3 (see also § 10-9.1-1(a)(4); §§ 10-9.1-10 to -12, DNA/innocence protection); Raso v. Wall, 884 A.2d 391 (R.I. 2005)
South Carolina	1 year	S.C. Code Ann. § 17-27-45(A), (B), (C); Coats v. State, 352 S.C. 500, 575 S.E.2d 557 (2003); Pelzer v. State, 378 S.C. 516, 662 S.E.2d 618 (Ct. App. 2008)
South Dakota	2 years	SDCL 21-27-3.3 (added by SL 2012, ch 118, § 3)
Tennessee	1 year	Tenn. Code Ann. § 40-30-102(a), (b); Whitehead v. State, 402 S.W.3d 615 (Tenn. 2013)
Texas	No deadline	Tex. Code Crim. Proc. art. 11.07 (no limitations period); art. 11.071 § 4(a) (capital deadline); Ex parte Perez, 398 S.W.3d 206 (Tex. Crim. App. 2013)
Utah	1 year	Utah Code § 78B-9-107(1), (2)(e), (3)(a), (4), (6)
Vermont	No deadline	13 V.S.A. § 7131; In re Laws, 2007 VT 54, ¶¶ 9-10, 182 Vt. 66, 928 A.2d 1210 (citing In re Stewart, 140 Vt. 351, 361, 438 A.2d 1106, 1110 (1981))
Virginia	2 years	Va. Code § 8.01-654(A)(2) (tolling via Va. Code § 8.01-229(D)); Brown v. Booker, 826 S.E.2d 304 (Va. 2019) (no innocence exception); Hicks v. Director, Dep't of Corrections, 289 Va. 288, 768 S.E.2d 415 (2015) (§ 8.01-229(D) tolling applies); Lahey v. Johnson, 283 Va. 225, 720 S.E.2d 534 (2012) (no equitable tolling)
Washington	1 year	RCW 10.73.090(1), (3); RCW 10.73.100; In re Pers. Restraint of Haghghi, 178 Wn.2d 435 (2013); In re Pers. Restraint of Hankerson, 149 Wn.2d 695 (2003)
West Virginia	No deadline	W. Va. Code § 53-4A-1(f)

State	Rule	Authority
Wisconsin	No deadline	Wis. Stat. § 974.06(2); Wis. Stat. § (Rule) 809.30(2)(b), (h); Wis. Stat. § (Rule) 809.82(2); State ex rel. Coleman v. McCaughtry, 2006 WI 49, 290 Wis. 2d 352, 714 N.W.2d 900
Wyoming	5 years	Wyo. Stat. Ann. § 7-14-103(d); Parkhurst v. State, 2019 WY 63, 443 P.3d 834, 840 n.5 (Wyo. 2019)

B.3 Counsel in a first post-conviction proceeding

Whether a lawyer is appointed for someone who cannot afford one, and whether that depends on the sentence. The count published above this table (mandatory, conditional, discretionary, none) is the 1 September 2026 coding of these cells under a written rule, not a tally of the short labels. 50 of 50 states verified.

State	Rule	Authority
Alabama	Discretionary	Ala. R. Crim. P. 32.7(c); Ex parte Allen, 825 So. 2d 271 (Ala. 2002)
Alaska	Mandatory	AS 18.85.100(c); Grinols v. State, 74 P.3d 889 (Alaska 2003)
Arizona	Mandatory	Ariz. R. Crim. P. 32.5(a), 33.5(a); A.R.S. § 13-4041(B) (capital)
Arkansas	None	Ark. R. Crim. P. 37.5(b)(2), (c); O'Brien v. State, 339 Ark. 138, 3 S.W.3d 332 (1999); Jackson v. State, 343 Ark. 613, 37 S.W.3d 595 (2001)
California	Conditional	Cal. Rules of Court, rule 4.551(d)(3); Cal. Gov. Code § 68662; Cal. Penal Code § 1473(e)(5)
Colorado	Conditional	C.R.S. §§ 21-1-103, 21-1-104(1)(b); Colo. R. Crim. P. 35(c)(3)(V); Silva v. People, 156 P.3d 1164, 1167 (Colo. 2007)
Connecticut	Conditional	Conn. Gen. Stat. § 51-296(a); Lozada v. Warden, 223 Conn. 834 (1992)
Delaware	Conditional	Del. Super. Ct. Crim. R. 61(e)(2) (formerly 61(e)(1)); 11 Del. C. § 4205(b); Baldwin v. State, 166 A.3d 938, 939-40 & n.4 (Del. 2017)
Florida	Discretionary	Fla. R. Crim. P. 3.850(h)(7) (redesignated from 3.850(f)(7) eff. Jan. 1, 2026); Fla. R. Crim. P. 3.851(b)(1); Fla. Stat. §§ 27.7001, 27.710, 27.711; Graham v. State, 372 So. 2d 1363, 1365-66 (Fla. 1979) (quoting Hooks v. State, 253 So. 2d 424, 426 (Fla. 1971))
Georgia	None	O.C.G.A. § 9-14-53 (court costs only; no counsel provision); Gibson v. Turpin, 270 Ga. 855 (1999)
Hawaii	Conditional	Haw. R. Penal P. 40(i)
Idaho	Discretionary	Idaho Code § 19-4904; Idaho Code § 19-6010(2); Idaho Crim. R. 44.2; Murphy v. State, 156 Idaho 389, 395 (2014); Fields v. State, 135 Idaho 286, 291 (2000); Hall v. State, 155 Idaho 610, 616 (2013)
Illinois	Conditional	725 ILCS 5/122-4; People v. Suarez, 224 Ill. 2d 37, 42 (2007)
Indiana	Discretionary	Ind. Post-Conviction Rule 1 § 9(a); Ind. Criminal Rule 6.1(H) (capital); Baum v. State, 533 N.E.2d 1200, 1201 (Ind. 1989)
Iowa	Discretionary	Iowa Code § 822.5; Wise v. State, 708 N.W.2d 66, 69 (Iowa 2006); Goode v. State, 920 N.W.2d 520, 524 (Iowa 2018); Smith v. State, 32 N.W.3d 6, 10 (Iowa 2026)
Kansas	Conditional	Kan. S. Ct. R. 183(i); K.S.A. 22-4506(b), (c), (d)(2)-(3)

State	Rule	Authority
Kentucky	Conditional	Ky. R. Crim. P. (RCr) 11.42(5); KRS 31.110(2)(c); <i>Fraser v. Commonwealth</i> , 59 S.W.3d 448, 453, 455-56 (Ky. 2001), overruling in part <i>Commonwealth v. Ivey</i> , 599 S.W.2d 456 (Ky. 1980)
Louisiana	Conditional	La. C. Cr. P. art. 930.7(A), (C); La. R.S. 15:178
Maine	Conditional	M.R.U. Crim. P. 70(c)(2); M.R.U. Crim. P. 69(a)-(c); 15 M.R.S. § 2129(1)(B); <i>Armstrong v. State</i> , 2025 ME 12, ¶¶ 6, 9 (motion to assign counsel denied because the petition was summarily dismissed)
Maryland	Mandatory	Md. Code Ann., Crim. Proc. § 7-108(a); § 16-204(b)(1)(iii)
Massachusetts	Discretionary	Mass. R. Crim. P. 30(c)(5); G.L. c. 278A, § 5; <i>Commonwealth v. Conceicao</i> , 388 Mass. 255, 261-264 (1983)
Michigan	Conditional	MCR 6.505(A); see also MCR 6.505(B), MCR 6.509(B), MCL 770.16(8)
Minnesota	Conditional	Minn. Stat. § 611.14(2); Minn. Stat. § 590.05; <i>Deegan v. State</i> , 711 N.W.2d 89 (Minn. 2006)
Mississippi	Discretionary	Miss. Code Ann. § 99-39-23(1), (9); Miss. R. App. P. 22(c)(1)
Missouri	Mandatory	Mo. Sup. Ct. R. 29.15(e), (f); Mo. Sup. Ct. R. 24.035(e), (f); <i>Price v. State</i> , 422 S.W.3d 292, 303 (Mo. banc 2014)
Montana	Conditional	§ 46-21-201(2)-(3), MCA; § 46-8-104, MCA
Nebraska	Discretionary	Neb. Rev. Stat. § 29-3004; <i>State v. Victor</i> , 242 Neb. 306, 494 N.W.2d 565 (1993); <i>State v. Wiley</i> , 228 Neb. 608, 423 N.W.2d 477 (1988)
Nevada	Discretionary	NRS 34.750(1); NRS 34.820(1)(a); <i>McKague v. Warden</i> , 112 Nev. 159 (1996); <i>Rippo v. State</i> , 423 P.3d 1084 (Nev. 2018)
New Hampshire	Discretionary	RSA 604-A:2, I and II; RSA 651-D:2, I-a
New Jersey	Mandatory	N.J. Ct. R. 3:22-6(a), (b)
New Mexico	Conditional	NMSA 1978, § 31-16-3(A), (B)(3) (Indigent Defense Act)
New York	Discretionary	County Law § 722(4); County Law § 722 (final unnumbered paragraph)
North Carolina	Conditional	N.C.G.S. § 15A-1420(b1)(3); § 15A-1421; § 7A-451(a)(3), (c), (c1), (e)
North Dakota	Discretionary	N.D.C.C. § 29-32.1-05(1); <i>Woehlhoff v. State</i> , 531 N.W.2d 566, 569 (N.D. 1995) (quoting <i>State v. McMorrow</i> , 332 N.W.2d 232, 237 (N.D. 1983)); <i>Bell v. State</i> , 2001 ND 188, 636 N.W.2d 438
Ohio	Conditional	Ohio Rev. Code 2953.21(J)(1); (2); Ohio Rev. Code 120.16(A)(1), (D); <i>State v. Crowder</i> (1991), 60 Ohio St.3d 151, 573 N.E.2d 652
Oklahoma	Discretionary	22 O.S. § 1082; 22 O.S. § 1089(B) (capital)
Oregon	Mandatory	ORS 138.590(2), (4)
Pennsylvania	Mandatory	Pa.R.Crim.P. 904(C), (D), (E), (F)(2), (H)
Rhode Island	Mandatory	R.I. Gen. Laws § 10-9.1-5; <i>Campbell v. State</i> , 56 A.3d 448 (R.I. 2012); <i>Shatney v. State</i> , 755 A.2d 130 (R.I. 2000); <i>Louro v. State</i> , 740 A.2d 343 (R.I. 1999); <i>Tassone v. State</i> , 42 A.3d 1277 (R.I. 2012)
South Carolina	Conditional	Rule 71.1(d), (g), SCRCP; S.C. Code Ann. §§ 17-27-60, 17-27-160(B); <i>Odom v. State</i> , 337 S.C. 256, 523 S.E.2d 753 (1999)

State	Rule	Authority
South Dakota	Discretionary	SDCL 21-27-4
Tennessee	Conditional	Tenn. Code Ann. § 40-30-107(b)(1)
Texas	Discretionary	Tex. Code Crim. Proc. art. 1.051(d)(3); art. 11.071 § 2(a), (c); art. 11.074(b)
Utah	Discretionary	Utah Code § 78B-9-109(1)-(2) (non-capital, discretionary); § 78B-9-202(1)(a)(ii), (1)(d)-(e) (capital, mandatory); Utah R. Civ. P. 65C(j)
Vermont	Conditional	13 V.S.A. § 5233(a)(3); see also 13 V.S.A. §§ 5232(2), 7137; In re Bruyette, 2014 VT 30, ¶¶ 9-10 & n.1, 196 Vt. 261, 96 A.3d 1151; In re Bailey, 2009 VT 122, ¶¶ 11-12; In re Gould, 2004 VT 46, ¶¶ 13-22
Virginia	None	Va. Code § 19.2-163.7 (repealed by Acts 2021, Sp. Sess. I, cc. 344 and 345, cl. 2, eff. July 1, 2021; formerly Title 19.2, ch. 10, art. 4.1, 'Counsel in Capital Cases'); cf. § 19.2-163.3 (public defender duties reach only persons 'charged with a crime or offense' and direct appeals); Howard v. Warden of the Buckingham Correctional Center, 232 Va. 16, 348 S.E.2d 211 (1986)
Washington	Conditional	RCW 10.73.150(3), (4)
West Virginia	Conditional	W. Va. Code § 53-4A-4(a)
Wisconsin	Discretionary	Wis. Stat. § (Rule) 809.30(2)(e); Wis. Stat. § 974.06(3)(b); Wis. Stat. § 977.05(4)(j); Wis. Stat. § 974.07(11)
Wyoming	None	Wyo. Stat. Ann. § 7-14-104(c); see also Wyo. Stat. Ann. § 7-6-104(c)(vi); Keats v. State, 2005 WY 81, ¶ 15 & n.2, 115 P.3d 1110, 1116-17 (Wyo. 2005); Patrick v. State, 2005 WY 32, ¶ 17, 108 P.3d 838 (Wyo. 2005)

B.4 How self-represented petitions are screened

How a state tells a meritorious petition from a meritless one when the petitioner has no lawyer. 49 of 50 states verified.

State	Rule	Authority
Alabama	Judicial screening	Ala. R. Crim. P. 32.7(d); Ala. R. Crim. P. 32.6(b); Bagley v. State, 186 So. 3d 488 (Ala. Crim. App. 2015)
Alaska	Mandatory counsel	Alaska R. Crim. P. 35.1(e)(2), (f)(2); AS 18.85.100(c); Griffin v. State, 18 P.3d 71 (Alaska App. 2001)
Arizona	Mandatory counsel	Ariz. R. Crim. P. 32.11(a); see also Rules 32.5, 32.6(c)-(e); accord A.R.S. § 13-4236(C)
Arkansas	Judicial screening	Ark. R. Crim. P. 37.3(a), (c); Wooten v. State, 338 Ark. 691, 1 S.W.3d 8 (1999); Mancia v. State, 2015 Ark. 115, 459 S.W.3d 259
California	Judicial screening	Cal. Rules of Court, rule 4.551(a)(5), (c)(1)
Colorado	Judicial screening	Colo. R. Crim. P. 35(c)(3)(IV); (V); C.R.S. § 21-1-104(1)(b), (2); Silva v. People, 156 P.3d 1164 (Colo. 2007)
Connecticut	Judicial screening	Conn. Practice Book § 23-24; Conn. Gen. Stat. §§ 52-470(b), 51-296(a); Gilchrist v. Commissioner of Correction, 334 Conn. 548 (2020)
Delaware	Judicial screening	Del. Super. Ct. Crim. R. 61(d)(5), 61(e); 10 Del. C. § 512(b)(1)b; Baldwin v. State, 166 A.3d 938, 939-42 (Del. 2017)

State	Rule	Authority
Florida	Judicial screening	Fla. R. Crim. P. 3.850(h)(1)-(6) (redesignated from 3.850(f)(1)-(6) eff. Jan. 1, 2026); Fla. Stat. § 27.51(1) (public defender duties, which do not extend to collateral proceedings); Spera v. State, 971 So. 2d 754, 755 (Fla. 2007)
Georgia	No merit screen	O.C.G.A. § 9-15-2(d); O.C.G.A. § 9-14-47; O.C.G.A. § 9-14-52(a); (b); Hicks v. Scott, 273 Ga. 358 (2001)
Hawaii	Judicial screening	Haw. R. Penal P. 42.3(a); Haw. R. Penal P. 40(c)(2), 40(e), 40(f), 40(g)(2), 40(i); R. Cir. Cts. Haw. 33
Idaho	Judicial screening	Idaho Code § 19-4906(b); § 19-4904; Charboneau v. State, 140 Idaho 789, 792-94 (2004); Swader v. State, 143 Idaho 651, 654 (2007)
Illinois	Judicial screening	725 ILCS 5/122-2.1(a), (a)(2), (b); People v. Hodges, 234 Ill. 2d 1, 11-12, 16 (2009)
Indiana	Defender intake	Ind. Post-Conviction Rule 1 §§ 2, 4(e); (f), 9(a), 9(c)
Iowa	Judicial screening	Iowa Code § 822.6(2); Iowa Code § 822.5; Manning v. State, 654 N.W.2d 555, 559-60 (Iowa 2002); Hines v. State, 288 N.W.2d 344, 346 (Iowa 1980); Furgison v. State, 217 N.W.2d 613, 615-16 (Iowa 1974)
Kansas	Judicial screening	K.S.A. 22-4506(a)-(b); K.S.A. 60-1507(b); Kan. S. Ct. R. 183(f), (h); Bellamy v. State, 285 Kan. 346, 353-54, 172 P.3d 10 (2007) (quoting Lujan v. State, 270 Kan. 163, 170-71, 14 P.3d 424 (2000))
Kentucky	Judicial screening	Ky. R. Crim. P. (RCr) 11.42(2), (5); KRS 31.110(2)(c) (as construed in Fraser); Fraser v. Commonwealth, 59 S.W.3d 448, 452-53 (Ky. 2001)
Louisiana	Judicial screening	La. C. Cr. P. art. 927(A); see also arts. 926(D), 930.11(A)(1)
Maine	Judicial screening	M.R.U. Crim. P. 70(a)-(c); 15 M.R.S. § 2129(1)
Maryland	Defender intake	Md. Code Ann., Crim. Proc. § 7-108(a); Md. Rule 4-403
Massachusetts	Judicial screening	Mass. R. Crim. P. 30(c)(3), (c)(5); G.L. c. 278A, § 3(e); Commonwealth v. Conceicao, 388 Mass. 255, 262 (1983)
Michigan	Judicial screening	MCR 6.504(B)(2); see also MCR 6.502(D), MCR 6.505(A)
Minnesota	Judicial screening	Minn. Stat. § 590.02, subd. 1(4); § 590.04, subd. 1; § 590.03
Mississippi	Judicial screening	Miss. Code Ann. §§ 99-39-11(1)-(2), 99-39-9(4), 99-39-27(5); cf. § 99-40-1(2)
Missouri	Mandatory counsel	Mo. Sup. Ct. R. 29.15(e), (h); Mo. Sup. Ct. R. 24.035(e), (h); § 547.031 RSMo
Montana	Judicial screening	§ 46-21-201(1)(a), MCA; § 46-21-104, MCA
Nebraska	Judicial screening	Neb. Rev. Stat. § 29-3001(2); see § 29-3930 (Commission on Public Advocacy divisions); State v. Wiley, 228 Neb. 608, 423 N.W.2d 477 (1988)
Nevada	Judicial screening	NRS 34.735; NRS 34.740; NRS 34.745; NRS 34.770; NRS 34.750(1)
New Hampshire	Judicial screening	RSA 651-D:2, I-a; RSA 534:5; RSA 604-A:2, I
New Jersey	Defender intake	N.J. Ct. R. 3:22-6(a); N.J. Ct. R. 3:22-6A(3)
New Mexico	Judicial screening (unverified)	Rule 5-802 NMRA
New York	Judicial screening	CPL 440.30(2), (3), (4), (5)
North Carolina	Judicial screening	N.C.G.S. § 15A-1420(b1)(2)-(3); § 7A-498.3(a)(2a); § 15A-1467(a)

State	Rule	Authority
North Dakota	Judicial screening	N.D.C.C. § 29-32.1-03(6); §§ 29-32.1-09, 29-32.1-09.1; Woehlhoff v. State, 531 N.W.2d 566, 569 (N.D. 1995)
Ohio	Judicial screening	Ohio Rev. Code 2953.21(D)
Oklahoma	Judicial screening	22 O.S. § 1083(B)-(C); § 1084; § 1082; Logan v. State, 2013 OK CR 2, ¶ 21 (construing § 1083(b)-(c))
Oregon	Judicial screening	ORS 138.525; ORS 138.590(4), (5)
Pennsylvania	Judicial screening	Pa.R.Crim.P. 907(1); Pa.R.Crim.P. 904(C)
Rhode Island	Mandatory counsel	R.I. Gen. Laws § 10-9.1-5; § 10-9.1-6(b); Shatney v. State, 755 A.2d 130 (R.I. 2000); Campbell v. State, 56 A.3d 448 (R.I. 2012); Tassone v. State, 42 A.3d 1277 (R.I. 2012)
South Carolina	Judicial screening	S.C. Code Ann. § 17-27-70(b); Rule 71.1(d), SCRCP; Odom v. State, 337 S.C. 256, 523 S.E.2d 753 (1999)
South Dakota	Judicial screening	SDCL 21-27-5
Tennessee	Judicial screening	Tenn. Sup. Ct. R. 28 § 6(B)(2)-(4); Tenn. Code Ann. § 40-30-106
Texas	Judicial screening	Tex. Code Crim. Proc. art. 11.07 § 3(c); see also art. 11.072 § 7(a) (community supervision: order denying application as frivolous)
Utah	Judicial screening	Utah R. Civ. P. 65C(h)(1)-(4), (i), (j)
Vermont	Judicial screening	13 V.S.A. § 7133; 13 V.S.A. § 5233(a)(3); In re Bailey, 2009 VT 122, ¶¶ 5, 11-14, 187 Vt. 176, 992 A.2d 276; In re Bruyette, 2014 VT 30, ¶¶ 3, 13-16, 196 Vt. 261, 96 A.3d 1151
Virginia	Judicial screening	Va. Code §§ 8.01-655, 8.01-654(B)(4), 8.01-658(A); cf. §§ 19.2-163.3, 19.2-327.11(D); (E)
Washington	Judicial screening	RCW 10.73.140; RAP 16.11(b); RCW 10.73.150(4)
West Virginia	Judicial screening	W. Va. Code § 53-4A-3(a)
Wisconsin	Judicial screening	Wis. Stat. § 974.06(3), (3)(b); State v. Bentley, 201 Wis. 2d 303, 548 N.W.2d 50 (1996); State v. Allen, 2004 WI 106, 274 Wis. 2d 568, 682 N.W.2d 433
Wyoming	Judicial screening	Wyo. Stat. Ann. § 7-14-106(a); see also §§ 7-14-104(c), 7-14-105(a); Smizer v. State, 835 P.2d 334, 338 (Wyo. 1992) ('The statute does not require that a hearing be held in every case')

B.5 Where the petition is filed

The court that convicted you, the county where you are held, or somewhere else. 50 of 50 states verified.

State	Rule	Authority
Alabama	Court of conviction	Ala. R. Crim. P. 32.5; Hanna v. State, 841 So. 2d 310 (Ala. Crim. App. 2002)
Alaska	Court of conviction	AS 12.72.030(a)
Arizona	Court of conviction	Ariz. R. Crim. P. 32.4(b)(1); A.R.S. §§ 13-4233, 13-4234(A)
Arkansas	Split: conviction or confinement	Ark. Code Ann. § 16-112-105; Ark. Code Ann. § 16-112-201(a); Ark. R. Crim. P. 37.2(c); Lukach v. State, 369 Ark. 475, 255 S.W.3d 832 (2007)
California	Either	Cal. Const., art. VI, § 10; Cal. Penal Code § 1509(a) (capital); In re Roberts (2005) 36 Cal.4th 575

State	Rule	Authority
Colorado	Court of conviction	Colo. R. Crim. P. 35(c)(3); C.R.S. § 13-45-101; Johnson v. Gunter, 852 P.2d 1263, 1265 n.6 (Colo. 1993)
Connecticut	Designated court	Conn. Gen. Stat. § 52-466(a)(2)
Delaware	Court of conviction	10 Del. C. § 6901; Del. Super. Ct. Crim. R. 61(a)(1)
Florida	Court of conviction	Fla. R. Crim. P. 3.850(o) (redesignated from 3.850(m) eff. Jan. 1, 2026); Fla. Stat. § 79.09; Baker v. State, 878 So. 2d 1236, 1245 (Fla. 2004)
Georgia	County of confinement	O.C.G.A. § 9-14-43; O.C.G.A. § 40-13-33(c)
Hawaii	Court of conviction	Haw. R. Penal P. 40(b); see also 40(a), 40(c)(1)
Idaho	Court of conviction	Idaho Code § 19-4902(a); Idaho Code § 19-4205(1)-(2); § 19-4224
Illinois	Court of conviction	725 ILCS 5/122-1(b)
Indiana	Court of conviction	Ind. Post-Conviction Rule 1 § 2; § 1(c)
Iowa	Court of conviction	Iowa Code §§ 822.3, 822.7; Davis v. State, No. 25-0157 (Iowa May 8, 2026); Sahinovic v. State, 940 N.W.2d 357 (Iowa 2020)
Kansas	Court of conviction	K.S.A. 60-1507(a), (e); K.S.A. 60-1501(a)-(b)
Kentucky	Court of conviction	Ky. R. Crim. P. (RCr) 11.42(1); KRS 419.020-.110; Robertson v. Commonwealth, 177 S.W.3d 789, 791 (Ky. 2005); Commonwealth v. Marcum, 873 S.W.2d 207, 210-12 (Ky. 1994)
Louisiana	Court of conviction	La. C. Cr. P. art. 925; see also art. 926(A), (E)
Maine	Court of conviction	15 M.R.S. § 2123(1), (1-A), (2); see also 15 M.R.S. § 2129(1)(A); M.R.U. Crim. P. 65, 68
Maryland	Court of conviction	Md. Rule 4-401(a); Md. Code Ann., Crim. Proc. § 7-102(a); Cts. & Jud. Proc. §§ 3-701, 3-702(b)(1)
Massachusetts	Court of conviction	Mass. R. Crim. P. 30(a), (c)(7); G.L. c. 278A, § 3(a); G.L. c. 248, §§ 1, 2; McCastle, Petitioner, 401 Mass. 105, 106-107 (1987)
Michigan	Court of conviction	MCR 6.503(A)(1); MCL 600.4310(3); MCR 3.303(A)(2)
Minnesota	Court of conviction	Minn. Stat. § 590.01, subd. 1; § 590.02, subd. 3; § 590.04, subd. 2; cf. §§ 589.01, 589.02
Mississippi	Court of conviction	Miss. Code Ann. §§ 99-39-7, 99-39-3(1), 99-39-27
Missouri	Either	Mo. Sup. Ct. R. 29.15(a), (c); Mo. Sup. Ct. R. 24.035(a), (c); Mo. Sup. Ct. R. 91.02(a), (b)
Montana	Court of conviction	§ 46-21-101(1)-(2), MCA; §§ 46-22-101(2), 46-22-202(1), MCA
Nebraska	Either	Neb. Rev. Stat. § 29-3001(1); § 29-4120(1); §§ 29-2801 to 29-2824 (habeas); Anderson v. Houston, 274 Neb. 916, 744 N.W.2d 410 (2008)
Nevada	Court of conviction	NRS 34.738; Griffin v. State, 122 Nev. 737 (2006)
New Hampshire	Either	RSA 534:3; RSA 526:2; RSA 651-D:2, I
New Jersey	Court of conviction	N.J. Ct. R. 3:22-1; N.J. Ct. R. 3:22-3
New Mexico	Not established	NMSA 1978, § 44-1-3; Rule 5-802(E) NMRA (unretrieved)
New York	Either	CPL 440.10(1); CPLR 7002(b)

State	Rule	Authority
North Carolina	Court of conviction	N.C.G.S. § 15A-1420(b1)(1); § 15A-1413(a); § 15A-1411(b)-(c); § 15A-2007; § 17-6
North Dakota	Court of conviction	N.D.C.C. § 29-32.1-03(1); Holbach v. City of Minot, 2012 ND 117, ¶¶ 15, 20, 817 N.W.2d 340
Ohio	Court of conviction	Ohio Rev. Code 2953.21(A)(1)(a); Ohio Rev. Code 2725.03; Ohio Rev. Code 2725.05
Oklahoma	Court of conviction	22 O.S. § 1080; 22 O.S. § 1081; 22 O.S. § 1089(D)(1) (capital)
Oregon	County of confinement	ORS 138.560(1), (2), (4); cf. ORS 34.320; ORS 138.690(1)
Pennsylvania	Court of conviction	42 Pa.C.S. § 9545(a); 42 Pa.C.S. § 9542; Pa.R.Crim.P. 903(A)
Rhode Island	Court of conviction	R.I. Gen. Laws § 10-9.1-2(a), (b); § 10-9-1; § 10-9.1-1(b)
South Carolina	Court of conviction	S.C. Code Ann. §§ 17-27-40, 17-27-80, 17-27-160(A); S.C. Code Ann. § 17-17-100
South Dakota	Court of conviction	SDCL 21-27-14.1
Tennessee	Court of conviction	Tenn. Code Ann. § 40-30-104(a)
Texas	Court of conviction	Tex. Code Crim. Proc. art. 11.07 § 3(a)-(b); art. 11.071 § 4(a); art. 11.072 § 2(a); art. 11.09(b)
Utah	Court of conviction	Utah R. Civ. P. 65C(c); Utah Code § 78B-9-104(1); § 78B-9-102(1)(a)
Vermont	Court of conviction	13 V.S.A. § 7131; 13 V.S.A. § 7136; 12 V.S.A. § 3953; In re Laws, 2007 VT 54, ¶ 7, 182 Vt. 66, 928 A.2d 1210; In re Hanson, 160 Vt. 111, 113, 623 A.2d 466, 467 (1993); Shequin v. Smith, 129 Vt. 578, 285 A.2d 708 (1971)
Virginia	Court of conviction	Va. Code § 8.01-654(B)(1); Va. Code § 17.1-310
Washington	Court of Appeals	RAP 16.5(a)-(b); CrR 7.8(c)(2); RAP 16.12; RCW 7.36.040
West Virginia	Either	W. Va. Code § 53-4A-1(a); § 53-4A-3(b)
Wisconsin	Court of conviction	Wis. Stat. § 974.06(1), (8); Wis. Stat. § 782.03; State v. Knight, 168 Wis. 2d 509, 484 N.W.2d 540 (1992); State ex rel. Rothering v. McCaughtry, 205 Wis. 2d 675 (Ct. App. 1996)
Wyoming	Court of conviction	Wyo. Stat. Ann. § 7-14-101(b); Parkhurst v. State, 2019 WY 63, ¶ 14, 443 P.3d 834, 837-38 (Wyo. 2019) (describing §§ 1-27-101 through 134 as 'limiting state habeas corpus relief to jurisdictional claims')

B.6 The bar on second or successive petitions

What blocks a second attempt, and what excuses it. 46 of 50 states verified.

State	Rule	Authority
Alabama	Barred, narrow exceptions	Ala. R. Crim. P. 32.2(b)
Alaska	Barred, narrow exceptions	AS 12.72.020(a)(5)-(6), (c); AS 12.72.025; Grinols v. State, 74 P.3d 889 (Alaska 2003)
Arizona	Barred, cause and prejudice	Ariz. R. Crim. P. 32.2; accord A.R.S. § 13-4232
Arkansas	Barred, narrow exceptions	Ark. R. Crim. P. 37.2(b), (e); McCuen v. State, 328 Ark. 46, 941 S.W.2d 397 (1997)
California	Barred, narrow exceptions	Cal. Penal Code § 1475; § 1509(d) (capital); In re Clark (1993) 5 Cal.4th 750
Colorado	Barred, narrow exceptions	Colo. R. Crim. P. 35(c)(3)(VI); (VII); C.R.S. § 16-5-402; People v. Wenzinger, 155 P.3d 415 (Colo. App. 2006)

State	Rule	Authority
Connecticut	Discretionary	Conn. Gen. Stat. § 52-470(d), (e); Conn. Practice Book § 23-29(3)
Delaware	Barred, narrow exceptions	Del. Super. Ct. Crim. R. 61(d)(2), 61(i)(2); Cannon v. State, 127 A.3d 1164, 1167 (Del. 2015)
Florida	Discretionary	Fla. R. Crim. P. 3.850(j)(2) (redesignated from 3.850(h)(2) eff. Jan. 1, 2026); Ruth v. State, 207 So. 3d 970, 973 (Fla. 1st DCA 2016)
Georgia	Barred, narrow exceptions	O.C.G.A. § 9-14-51; O.C.G.A. § 9-14-44
Hawaii	Barred, narrow exceptions (unverified)	Haw. R. Penal P. 40(a)(3), 40(g)(2)
Idaho	Barred, narrow exceptions	Idaho Code § 19-4908; Murphy v. State, 156 Idaho 389, 395 (2014), overruling Palmer v. Dermitt, 102 Idaho 591 (1981); Charboneau v. State, 144 Idaho 900, 905 (2007)
Illinois	Barred, cause and prejudice	725 ILCS 5/122-1(f); 725 ILCS 5/122-3; People v. Edwards, 2012 IL 111711, ¶¶ 23-24 (following People v. Ortiz, 235 Ill. 2d 319, 330 (2009))
Indiana	Barred, narrow exceptions	Ind. Post-Conviction Rule 1 §§ 8, 12(a); (c)
Iowa	Barred, narrow exceptions	Iowa Code § 822.8; Iowa Code § 822.3 (no tolling or relation back); State v. Johnson, 784 N.W.2d 192, 198 (Iowa 2010); Sandoval v. State, 975 N.W.2d 434, 437-38 (Iowa 2022)
Kansas	Barred, narrow exceptions	K.S.A. 60-1507(c), (f)(2); Kan. S. Ct. R. 183(d); Manco v. State, 51 Kan. App. 2d 733, 736-39, 354 P.3d 551 (2015); State v. Kelly, 291 Kan. 868, 872, Syl. ¶ 2, 248 P.3d 1282 (2011)
Kentucky	Barred, narrow exceptions	Ky. R. Crim. P. (RCr) 11.42(3); Ky. R. Civ. P. (CR) 60.02; Gross v. Commonwealth, 648 S.W.2d 853, 856-57 (Ky. 1983)
Louisiana	Barred, narrow exceptions (unverified)	La. C. Cr. P. art. 930.4(E), (F), (H)
Maine	Barred, narrow exceptions	15 M.R.S. § 2128(3), (4); 15 M.R.S. § 2128-A; M.R.U. Crim. P. 70(b)(2)
Maryland	Barred, narrow exceptions	Md. Code Ann., Crim. Proc. § 7-103(a); § 7-104; § 7-106(b)(1)(i)6; Md. Rule 4-401(b)
Massachusetts	Barred, narrow exceptions	Mass. R. Crim. P. 30(c)(2); G.L. c. 278, § 33E; Rodwell v. Commonwealth, 432 Mass. 1016, 1017 (2000)
Michigan	Barred, narrow exceptions	MCR 6.502(G)
Minnesota	Barred, narrow exceptions	Minn. Stat. § 590.04, subd. 3; § 590.01, subd. 1; Powers v. State, 731 N.W.2d 499 (Minn. 2007); State v. Knaffla, 309 Minn. 246, 243 N.W.2d 737 (1976)
Mississippi	Barred, narrow exceptions	Miss. Code Ann. §§ 99-39-23(6), 99-39-27(9), 99-39-21(3); Miss. R. App. P. 22(a)
Missouri	Barred, narrow exceptions	Mo. Sup. Ct. R. 29.15(l); Mo. Sup. Ct. R. 24.035(l); State ex rel. Simmons v. White, 866 S.W.2d 443, 446 (Mo. banc 1993); State ex rel. Amrine v. Roper, 102 S.W.3d 541, 543 (Mo. banc 2003)
Montana	Barred, narrow exceptions	§ 46-21-105(1)(b), (2)-(3), MCA
Nebraska	Barred, narrow exceptions	Neb. Rev. Stat. § 29-3001(3); State v. Marshall, 272 Neb. 924, 725 N.W.2d 834 (2007); State v. Ortiz, 266 Neb. 959, 670 N.W.2d 788 (2003)
Nevada	Barred, cause and prejudice	NRS 34.810(3)-(4); NRS 34.745(3); McKague v. Warden, 112 Nev. 159 (1996); Rippo v. State, 423 P.3d 1084 (Nev. 2018)

State	Rule	Authority
New Hampshire	No express bar (unverified)	RSA 534 (no successive provision); RSA 526 (no successive provision); Avery v. Cunningham, 131 N.H. 138 (1988); Springer v. Hungerford, 100 N.H. 503 (1957); Crosby v. Warden, 152 N.H. 44 (2005)
New Jersey	Barred, narrow exceptions	N.J. Ct. R. 3:22-4(b); N.J. Ct. R. 3:22-12(a)(2); N.J. Ct. R. 3:22-5
New Mexico	Discretionary	Manlove v. Sullivan, 108 N.M. 471, 775 P.2d 237 (1989); described as the successive-petition rule in Duncan v. Kerby, 115 N.M. 344 (1993)
New York	Discretionary	CPL 440.10(3)(b), (3)(c) and closing paragraph of 440.10(3); CPL 440.10(2)(a); CPLR 7003(b)
North Carolina	Barred, cause and prejudice	N.C.G.S. § 15A-1419(a)(1)-(2), (a)(4), (b), (c), (d), (e)
North Dakota	Barred, narrow exceptions	N.D.C.C. § 29-32.1-12(1), (2), (3); Clark v. State, 1999 ND 78, ¶¶ 7, 23, 593 N.W.2d 329
Ohio	Barred, narrow exceptions	Ohio Rev. Code 2953.23(A); Ohio Rev. Code 2953.21(A)(4)
Oklahoma	Barred, narrow exceptions	22 O.S. § 1086; 22 O.S. § 1080.1(A); 22 O.S. § 1089(D)(8) (capital); Logan v. State, 2013 OK CR 2, ¶ 3
Oregon	Barred, narrow exceptions	ORS 138.550(3); ORS 138.510(4); Verduzco v. State of Oregon, 357 Or 553, 355 P3d 172 (2015)
Pennsylvania	Barred, narrow exceptions	42 Pa.C.S. § 9545(b)(1); 42 Pa.C.S. § 9544(a)-(b); 42 Pa.C.S. § 9543(a)(3); Commonwealth v. Murray, 753 A.2d 201 (Pa. 2000)
Rhode Island	Barred, narrow exceptions	R.I. Gen. Laws § 10-9.1-8; Ramirez v. State, 933 A.2d 1110 (R.I. 2007); Mattatall v. State, 947 A.2d 896 (R.I. 2008)
South Carolina	Barred, narrow exceptions	S.C. Code Ann. § 17-27-90; Aice v. State, 305 S.C. 448, 409 S.E.2d 392 (1991)
South Dakota	Barred, narrow exceptions	SDCL 21-27-5.1 (added by SL 2012, ch 118, § 5)
Tennessee	Barred, narrow exceptions	Tenn. Code Ann. § 40-30-102(c); § 40-30-117(a)
Texas	Barred, narrow exceptions	Tex. Code Crim. Proc. art. 11.07 § 4(a)-(c); art. 11.071 § 5(a) (capital); art. 11.072 § 9(a) (community supervision)
Utah	Barred, narrow exceptions	Utah Code § 78B-9-106(1)(d)-(e), (2), (3)(b); § 78B-9-109(3); § 78B-9-202(2) (capital counsel funding)
Vermont	Barred, cause and prejudice	13 V.S.A. § 7134; In re Towne, 2018 VT 5, ¶¶ 21-25, 182 A.3d 1149; In re Laws, 2007 VT 54, ¶¶ 11, 20-22, 182 Vt. 66, 928 A.2d 1210; Chandler v. State, 2016 VT 62, ¶ 8
Virginia	Barred, narrow exceptions	Va. Code § 8.01-654(B)(2)
Washington	Barred, narrow exceptions	RCW 10.73.140; RAP 16.4(d); In re Pers. Restraint of Johnson, 131 Wn.2d 558, 934 P.2d 1174 (1997); In re Pers. Restraint of Haverty, 101 Wn.2d 498, 502-03 (1984)
West Virginia	Barred, narrow exceptions (unverified)	W. Va. Code § 53-4A-1(b), (c); § 53-4A-3(a); § 53-4A-7(a); Losh v. McKenzie, 166 W. Va. 762, 277 S.E.2d 606 (1981); Gibson v. Dale, 173 W. Va. 681, 319 S.E.2d 806 (1984)
Wisconsin	Barred, cause and prejudice	Wis. Stat. § 974.06(4); State v. Escalona-Naranjo, 185 Wis. 2d 168, 517 N.W.2d 157 (1994); State v. Romero-Georgana, 2014 WI 83, 360 Wis. 2d 522, 849 N.W.2d 668
Wyoming	Barred, narrow exceptions	Wyo. Stat. Ann. § 7-14-103(a)(ii)-(iii), (b); Harlow v. State, 2005 WY 12, ¶ 55, 105 P.3d 1049, 1071 (Wyo. 2005) (claims 'raised and decided in the direct appeal' are 'procedurally barred from reconsideration in this proceeding')

B.7 Whether the original trial judge hears the challenge

If a first habeas petition is heard in the court of conviction, as has been proposed for Georgia, may the judge whose trial is being challenged decide that challenge? Few states have any rule on the point, and the proposal does not address it. 44 of 50 states verified.

State	Rule	Authority
Alabama	Reassignment discretionary	Ala. R. Crim. P. 32.6(d); Ex parte Adkins, 687 So. 2d 155, 156 (Ala. 1996)
Alaska	Same judge permitted	Plyler v. State, 10 P.3d 1173 (Alaska App. 2000)
Arizona	Same judge default	Ariz. R. Crim. P. 32.10(a); accord A.R.S. § 13-4234(I)
Arkansas	Same judge permitted	Travis v. State, 283 Ark. 478, 678 S.W.2d 341 (1984); Bryant v. State, 323 Ark. 130, 913 S.W.2d 257 (1996)
California	Same judge permitted	Cal. Penal Code § 1509(a); Maas v. Superior Court (2016) 1 Cal.5th 962
Colorado	Same judge permitted	C.R.S. § 16-6-201; Colo. R. Crim. P. 21(b); Dunlap v. People, 173 P.3d 1054, 1063 (Colo. 2007); People v. Rodriguez, 914 P.2d 230 (Colo. 1996)
Connecticut	Not applicable	Conn. Gen. Stat. § 52-466(a)(2)
Delaware	Same judge default	Del. Super. Ct. Crim. R. 61(d)(1) (text unverified); Harden v. State, 180 A.3d 1037, 1046, 1051 (Del. 2018)
Florida	Reassignment discretionary	Fla. R. Gen. Prac. & Jud. Admin. 2.215(b)(4), (b)(10); Fla. R. Crim. P. 3.851(c)(1); In re Implementation of Judicial Branch Governance Study Group Recommendations; Amendments to the Florida Rules of Judicial Administration, 121 So. 3d 1, 13 (Fla. 2012) (appendix reproducing rule 2.215(b)(4)); In re Amendments to Florida Rule of Judicial Administration 2.215, 992 So. 2d 237, 238 (Fla. 2008)
Georgia	Reassignment mandatory	O.C.G.A. § 9-14-47.1(b); O.C.G.A. § 9-14-43
Hawaii	Unaddressed (unverified)	No primary source reached
Idaho	Same judge permitted	Idaho R. Civ. P. 40(a)(8)(B); Idaho R. Civ. P. 40(b)-(d); Sivak v. State, 112 Idaho 197, 206 (1986)
Illinois	Same judge permitted	725 ILCS 5/122-8 (repealed by P.A. 96-1200, eff. 7-22-2010; held unconstitutional in People v. Joseph, 113 Ill. 2d 36 (1986)); People v. Mamolella, 42 Ill. 2d 69, 73 (1969); People v. Joseph, 113 Ill. 2d 36, 43-48 (1986); People v. Keener, 275 Ill. App. 3d 1, 8-11 (2d Dist. 1995)
Indiana	Same judge default	Ind. Post-Conviction Rule 1 § 4(b); § 5; § 12(c); Harrison v. State, 707 N.E.2d 767, 789; 90 (Ind. 1999)
Iowa	Same judge permitted	Iowa Code § 822.7; Arnold v. State, 540 N.W.2d 243, 245 (Iowa 1995) (quoting § 822.7)
Kansas	Same judge default	K.S.A. 20-311d; Kan. S. Ct. R. 183 (contains no judge-assignment provision); Morrow v. State, 18 Kan. App. 2d 236, 238-40, 849 P.2d 1004 (1993)
Kentucky	Same judge permitted	Sanborn v. Commonwealth, 975 S.W.2d 905, 909 (Ky. 1998); Haight v. Commonwealth, 41 S.W.3d 436 (Ky. 2001)
Louisiana	Not established (unverified)	La. C. Cr. P. art. 926.2(C)(2) (closest express provision; governs retrial, not the post-conviction proceeding)
Maine	Same judge permitted	M.R.U. Crim. P. 69A(a)-(c); see also 15 M.R.S. § 2129(1)(C) (clerk forwards the petition to the Chief Justice of the Superior Court)

State	Rule	Authority
Maryland	Reassignment mandatory	Md. Rule 4-406(b); Md. Code Ann., Cts. & Jud. Proc. § 3-702(b)(2)
Massachusetts	Same judge default	Mass. R. Crim. P. 30(a), (b), (c)(7) and Reporter's Notes; Commonwealth v. Sullivan, 385 Mass. 497, 498 n.1 (1981)
Michigan	Same judge default	MCR 6.504(A); MCL 770.16(2); MCR 2.003(B)-(C)
Minnesota	Same judge permitted	Minn. Stat. § 590.02, subd. 3; § 590.04, subd. 2; Berg v. State, 403 N.W.2d 316 (Minn. Ct. App. 1987), review denied (Minn. May 18, 1987)
Mississippi	Unaddressed	Miss. Code Ann. § 99-39-11(1); cf. Miss. Code Ann. § 9-1-11
Missouri	Same judge default	Mo. Sup. Ct. R. 29.15(c); Mo. Sup. Ct. R. 51.05(d); §§ 508.090, 508.130 RSMo; Thomas v. State, 808 S.W.2d 364, 366-67 (Mo. banc 1991); State ex rel. Ferguson v. Corrigan, 959 S.W.2d 113, 115 (Mo. banc 1997)
Montana	Same judge mandatory	§ 46-21-101(1), MCA; § 3-1-804, MCA; Patrick v. State, 2011 MT 169, ¶¶ 15-16, 24-25, 361 Mont. 204 (following Coleman v. State, 194 Mont. 428, 633 P.2d 624 (1981)); Jordan v. State, 2007 MT 165, ¶¶ 11-13, 338 Mont. 113, 162 P.3d 863
Nebraska	Same judge permitted	State v. Herren, 212 Neb. 706, 325 N.W.2d 151 (1982)
Nevada	Same judge default	NRS 34.730(4)(b); NRS 34.820(3); Griffin v. State, 122 Nev. 737 (2006)
New Hampshire	Unaddressed (unverified)	RSA 526:2; N.H. R. Crim. P. 39; N.H. R. Crim. P. 40
New Jersey	Same judge permitted	N.J. Ct. R. 3:22-7; N.J. Ct. R. 1:12-1(d), (f); State v. Marshall, 148 N.J. 89, 275-80 (1997)
New Mexico	Not established (unverified)	Rule 5-802 NMRA (assignment provision not retrievable); Duncan v. Kerby, 115 N.M. 344, 851 P.2d 466 (1993)
New York	Same judge default	22 NYCRR 200.11(c), (d)(4); CPL 440.10(1); Judiciary Law § 14; People v. Moreno, 70 N.Y.2d 403, 405 (1987)
North Carolina	Reassignment discretionary	N.C.G.S. § 15A-1413(a), (b), (d), (e); former § 15A-1413(c), repealed by S.L. 2012-168, s. 2(a)
North Dakota	Same judge default	N.D.R.Ct. 3.3; N.D.C.C. § 29-32.1-03(7); Falcon v. State, 1997 ND 200, ¶¶ 1, 9-11, 570 N.W.2d 719
Ohio	Same judge permitted	Ohio Rev. Code 2701.03(A); (D); Ohio Rev. Code 2953.21 (silent on judicial assignment); In re Disqualification of Nastoff, 134 Ohio St.3d 1232, 2012-Ohio-6339 (Feb. 16, 2012)
Oklahoma	Same judge permitted	22 O.S. § 1084; 22 O.S. § 1083(B); Rule 10.6(B), Rules of the Okla. Court of Criminal Appeals
Oregon	Unaddressed (unverified)	ORS 138.510 to 138.680 (silent); cf. ORS 138.560(1), (4); ORS 14.210; ORS 14.250 to 14.270
Pennsylvania	Same judge default	Pa.R.Crim.P. 903(A), (C), (D)
Rhode Island	Same judge default	R.I. Super. Ct. R. Prac. 2.3(d)(4); Mattatall v. State, 947 A.2d 896 (R.I. 2008)
South Carolina	Split by case type	S.C. Code Ann. § 17-27-160(A); cf. S.C. Code Ann. § 17-27-80
South Dakota	Reassignment mandatory	SDCL 21-27-14.1; Goodroad v. Weber, 2003 SD 132, ¶ 8, 671 N.W.2d 838 (also citing State v. Phipps, 406 N.W.2d 146, 150 n.2 (S.D. 1987))
Tennessee	Same judge default	Tenn. Sup. Ct. R. 28 § 6(B)(1); Tenn. Code Ann. § 40-30-105(b)

State	Rule	Authority
Texas	Same judge permitted	Tex. Code Crim. Proc. art. 11.071 § 9(c); see also art. 11.07 § 3(b), (d); art. 11.072 § 6(b)
Utah	Same judge default	Utah R. Civ. P. 65C(g); Utah R. Civ. P. 63(a)-(c); Utah Code § 78B-9-102(1)(a)
Vermont	Reassignment mandatory	13 V.S.A. § 7131; Shequin v. Smith, 129 Vt. 578, 285 A.2d 708 (1971) (quoting the disqualification clause); In re Towne, 2018 VT 5, ¶ 10 & n.14, 182 A.3d 1149
Virginia	Same judge permitted	Va. Code § 8.01-654(B)(1) (silent as to the judge); cf. Va. Code § 19.2-153 (inapplicable; pending prosecutions); Director of the Department of Corrections v. Kozich, 290 Va. 502, 779 S.E.2d 555 (2015) (n.14)
Washington	Reassignment mandatory	RAP 16.12
West Virginia	Unaddressed (unverified)	W. Va. Trial Court Rule 17.01; W. Va. Code of Judicial Conduct Rule 2.11(A)(5)(d)
Wisconsin	Same judge permitted	Wis. Stat. § 974.06(1), (2); Wis. Stat. § 757.19(2); Wis. Stat. § 971.20(1), (4), (7); Rahhal v. State, 52 Wis. 2d 144, 187 N.W.2d 800 (1971); see also Rainey v. State, 65 Wis. 2d 374, 222 N.W.2d 620 (1974)
Wyoming	Unaddressed	Wyo. Stat. Ann. § 7-14-101(c)(ii); cf. § 7-14-101(b); Osborn v. Manning, 812 P.2d 545, 548-49 (Wyo. 1991) (quoting W.R.C.P. 40.1(b), 'Change of judge; (1) Peremptory Disqualification ... (2) Disqualification for Cause')

The trial record, and weighing the evidence again

Two questions about what a felony trial leaves behind and whether any court may look at the evidence a second time without the lens that favours the verdict.

B.8 Whether jury selection is part of the trial record

What must be taken down in a non-capital felony jury trial, and specifically whether the questioning of prospective jurors is recorded as a matter of course or only on request. A claim about jury selection cannot be reviewed if no record of it exists. 50 of 50 states verified.

State	Rule	Authority
Alabama	Judge directed	Ala. R. Crim. P. 19.4(a)-(b); Ala. Code 1975 § 12-17-275; Young v. State, 724 So. 2d 69, 74 (Ala. Crim. App. 1998)
Alaska	Mandatory record	Alaska R. Admin. P. 35(a); see also Alaska R. Admin. P. 21(a) and 15(j)(4); Alaska R. App. P. 210(a), (b)(1)(A), (b)(8)
Arizona	Mandatory record	Ariz. R. Crim. P. 18.5(f), (h); see also Ariz. Const. art. VI, § 30(A); A.R.S. § 38-424(A)-(B), (E); Ariz. R. Sup. Ct. 30(b); A.R.S. § 12-223(A); Ariz. R. Crim. P. 31.8(b)
Arkansas	Mandatory record	Ark. Sup. Ct. Admin. Order No. 4(a) (amended and effective Dec. 3, 2020); Ark. Code Ann. § 16-13-510(a); Ark. R. App. P.; Crim. 4(a) (record designation governed by Ark. R. App. P.; Civ. 6(b)); Mouse v. State, 2025 Ark. App. 12; Wilder v. State, 2023 Ark. 60; Ellis v. State, 2025 Ark. App. 90
California	Request only	Cal. Code Civ. Proc. § 269(a)(2); Cal. Rules of Court, rules 8.320(c)(3), 8.324(b)(2) (A); Cal. Gov. Code §§ 69952(a)(1), 69957(a); Cal. Penal Code § 190.9(a)(1) (capital)
Colorado	Judge directed	C.R.S. § 13-5-127; Colo. Crim. P. 55(e); Colo. Chief Justice Directive 05-03 §§ I.B; C, II.D.3; .4, III.A.3; .4 (amended eff. July 1, 2023)

State	Rule	Authority
Connecticut	Judge directed	Conn. Gen. Stat. § 51-61(a); State v. Sharp, 46 Conn. App. 269 (1997); Giannotti v. Warden, 26 Conn. App. 125, 128 (1991), cert. denied, 221 Conn. 905 (1992); State v. Vitale, 190 Conn. 219 (1983)
Delaware	Request only	10 Del. C. § 525; Del. Super. Ct. Crim. R. 26.1; Del. Super. Ct. Crim. R. 56(b); Del. Supr. Ct. R. 9(e)(i)
Florida	Request only	Fla. Stat. § 918.10(2); Fla. R. Gen. Prac. & Jud. Admin. 2.535(h)(1), (h)(3); Fla. R. Crim. P. 3.721, 3.172(k), 3.390(e), 3.133(b)(4); Fla. R. App. P. 9.142(a)(1)(A)
Georgia	Request only	O.C.G.A. § 17-8-5(a); O.C.G.A. § 5-6-41(d); Allen v. State, 310 Ga. 411, 420 (2020) (reaffirming State v. Graham, 246 Ga. 341 (1980)); accord Harper v. State, 312 Ga. 684 (2021)
Hawaii	Mandatory record	Haw. Rev. Stat. § 606-12(a) (Duties of official court reporters); Rules of the Circuit Courts of the State of Hawai'i Rule 25.1(a)
Idaho	Mandatory record	Idaho Criminal Rule 24(b); Idaho Court Administrative Rule 27(a), (c); Idaho Code § 1-1103
Illinois	Mandatory record	Ill. S. Ct. R. 608(a)(7), (b) (amended June 22, 2017, eff. July 1, 2017); 705 ILCS 70/5; Ill. S. Ct. R. 46
Indiana	Mandatory record	Ind. Jury Rule 12; Ind. Trial Rule 74(A) (eff. Jan. 1, 2024); Ind. Crim. Rule 1.1; Ind. Crim. Rule 6.1(D) (capital cases)
Iowa	Mandatory record	Iowa R. Crim. P. 2.19(3), incorporating Iowa R. Civ. P. 1.903(2)
Kansas	Judge directed	K.S.A. 20-917(b); Kan. Sup. Ct. R. 354; Kan. Sup. Ct. R. 3.03(a); State v. Lumbrera, 252 Kan. 54, 73, 845 P.2d 609 (1992)
Kentucky	Mandatory record	Ky. RAP 24(A)(3)-(4); Ky. CR 98(2); Ky. RCr 1.02(2); AOC Kentucky Circuit Court Clerks' Manual § 81 (July 2026)
Louisiana	Mandatory record	La. C.Cr.P. art. 843 (see also La. Const. art. I, § 19; La. C.Cr.P. art. 914.1); State v. Hoffman, 98-KA-3118 (La. 4/11/00)
Maine	Mandatory record	4 M.R.S. § 651-A; M.R.U. Crim. P. 27(a); M.R. Civ. P. 76H(b)(2)(A); Me. Admin. Order JB-12-1 (A. 9-17) §§ II(B), IV
Maryland	Mandatory record	Md. Rule 16-503(a)(1) (Recording of Proceedings; In Circuit Court); see also Md. Rules 16-501, 16-503(b), 16-504(d); Smith v. State, No. 1736, Sept. Term 2024 (Md. App. Ct. Apr. 6, 2026), slip op. at 13 n.9 (quoting Rule 16-503's mandatory verbatim-recording command)
Massachusetts	Mandatory record	Superior Court Administrative Directive No. 18-1 (adopted May 3, 2018, eff. July 1, 2018; amended Jan. 22, 2019, eff. Feb. 1, 2019); G.L. c. 221, §§ 82, 91B
Michigan	Mandatory record	MCR 8.108(B)(1) (Michigan Court Rules, Chapter 8)
Minnesota	Mandatory record	Minn. Stat. § 486.02; Minn. Stat. § 484.72, subd. 4; Minn. R. Crim. P. 26.02, subd. 4(1)
Mississippi	Mandatory record	Miss. R. Crim. P. 20(a) (eff. July 1, 2023); see also Miss. R. Crim. P. 20(b)(1), 22(a); Miss. Code Ann. § 9-13-31
Missouri	Request only	§ 485.050 RSMo (Duties of official court reporters); Mo. Court Operating Rule 19.03(b); Mo. Sup. Ct. R. 30.04(c)(1); cf. Mo. Sup. Ct. R. 24.03(a); State v. Brown, 744 S.W.2d 809, 812 (Mo. banc 1988)
Montana	Judge directed	§ 3-5-603, MCA (Court Reporters; Duties); see also § 3-5-601(1), MCA

State	Rule	Authority
Nebraska	Request only	Neb. Ct. R. App. P. § 2-105(A)(1), (2), (4) (adopted under Neb. Rev. Stat. § 24-1003; duty imposed on reporters by Neb. Ct. R. § 1-203); State v. Sierra, 305 Neb. 249, 276-77 (2020)
Nevada	Mandatory record	Nev. R. Crim. Prac. (N.R.Cr.P.) 21 (adopted ADKT 491, eff. Apr. 25, 2025); NRS 3.320(2)(a); NRS 3.380; SCR 250(5)(a) (capital); Preciado v. State, 130 Nev. 40, 44-45, 318 P.3d 176, 180 (2014)
New Hampshire	Mandatory record	N.H. R. Crim. P. 22(c)(2) (voir dire); N.H. R. Crim. P. 21, 22(a), 24, 28(a); N.H. Sup. Ct. R. 59; RSA 491:10-a (party self-recording, by leave, at own expense)
New Jersey	Mandatory record	N.J. Ct. R. 1:2-2 (Trial Courts; Verbatim Record of Proceedings); see also N.J. Ct. R. 1:8-7(a); N.J. Ct. R. 2:5-3(b)
New Mexico	Mandatory record	Rule 22-301(B) NMRA (Rules Governing the Recording of Judicial Proceedings); definitions at Rule 22-101(B)(10), (13) NMRA
New York	Mandatory record	N.Y. Judiciary Law § 295; People v. Harrison, 85 N.Y.2d 794 (1995)
North Carolina	Request only	N.C. Gen. Stat. § 15A-1241(a), (b) (as rewritten by S.L. 2025-70, s. 11(a)); N.C. Gen. Stat. § 7A-95; State v. Cummings, 332 N.C. 487, 497-98, 422 S.E.2d 692 (1992) (private bench conferences are not "statements from the bench"); State v. Price, 170 N.C. App. 57, 67, 611 S.E.2d 891 (2005)
North Dakota	Request only	N.D.Sup.Ct.Admin.R. 39, § 2; N.D.R.App.P. 10(b)(1)(D); State v. Entzi, 2000 ND 148, ¶¶ 6, 8, 615 N.W.2d 145
Ohio	Mandatory record	Ohio Crim.R. 22; Ohio Crim.R. 2(C); Ohio App.R. 9(A)(2); R.C. 2301.20
Oklahoma	Request only	20 O.S. § 106.4(A)(1); Van White v. State, 1988 OK CR 47, 752 P.2d 814
Oregon	Request only	ORS 8.340(4); (5), (7); see also ORS 8.350, 8.360, 19.385
Pennsylvania	Mandatory record	Pa.R.Crim.P. 631(D); Pa.R.Crim.P. 115(A)-(B)
Rhode Island	Mandatory record	R.I. Super. Ct. R. Crim. P. 55; R.I. Gen. Laws § 8-5-5 (see also §§ 8-2-15, 8-5-3)
South Carolina	Mandatory record	S.C. Code Ann. § 14-15-30 (stenographer "shall take full stenographic notes of all proceedings including the rulings and charge of the court in every trial thereof"); S.C. Code Ann. § 14-13-10; Court Reporter Manual (S.C. Court Administration, approved Aug. 16, 2011, am. Mar. 1, 2017, upd. May 1, 2018) § XI.A.2, issued pursuant to order of the Supreme Court and referenced in Rule 607(c), SCACR
South Dakota	Not established	SDCL 23A-44-17 (S.D. Sup. Ct. R. 10-02); accord SDCL 15-15-9. See also SDCL 16-2-21(6); SDCL 15-15-1, 15-15-2, 15-15-12; SDCL 15-14-14
Tennessee	Mandatory record	Tenn. Code Ann. § 40-14-307; see also §§ 40-14-301(3), 40-14-317; Layman v. State, 464 S.W.2d 331, 333 (Tenn. Crim. App. 1970)
Texas	Contested	Tex. R. App. P. 13.1(a) & 1997 cmt.; Tex. Gov't Code § 52.046(a); Valle v. State, 109 S.W.3d 500, 509 (Tex. Crim. App. 2003); Polasek v. State, 16 S.W.3d 82, 88; 89 (Tex. App.; Houston [1st Dist.] 2000, pet. ref'd); Langford v. State, 129 S.W.3d 138, 139 (Tex. App.; Dallas 2003, no pet.); Tanguma v. State, 47 S.W.3d 663, 670, 674 (Tex. App.; Corpus Christi 2001, pet. ref'd)
Utah	Mandatory record	Utah Code § 78A-2-405; Utah Code of Judicial Administration Rule 4-201(1)(A)-(D)
Vermont	Request only	4 V.S.A. § 803(a); V.R.A.P. 10(b)(1); V.R.Cr.P. 11(g)
Virginia	Mandatory record	Va. Code § 19.2-165 (cf. § 19.2-166; contrast § 17.1-128 (civil, "may")); Dickerson v. Commonwealth, 36 Va. App. 8, 548 S.E.2d 230 (2001)

State	Rule	Authority
Washington	Request only	RCW 2.32.200 (Duties of official reporter)
West Virginia	Mandatory record	W. Va. Code §§ 51-7-1, 51-7-2 (see also § 56-6-36(c); W. Va. R. App. P. 9(f)); State v. Bolling, 162 W. Va. 103, 246 S.E.2d 631 (1978); State v. Neal, 172 W. Va. 189, 304 S.E.2d 342 (1983)
Wisconsin	Mandatory record	Wis. Sup. Ct. R. (SCR) 71.01(2) and (3); see also SCR 71.04(8)(b), SCR 71.05(1)
Wyoming	Mandatory record	W.R.Cr.P. 55(a); accord Wyo. Stat. Ann. § 5-3-404; W.R.A.P. 3.02(a); Mraz v. State, 2014 WY 73, 326 P.3d 931 (Wyo. 2014) (quoting Rule 55(a) verbatim; "reporting is required and a complete record is necessary for this Court to provide meaningful review")

B.9 Whether any court weighs the evidence again

After a verdict, may a court consider whether the evidence actually supported it, rather than whether some evidence could support it? Who may do that, whether a refusal to do it is reviewable, and whether the review runs through the lens that favours the verdict. 50 of 50 states verified.

State	Rule	Authority
Alabama	Nominal, lensed	Ala. R. Crim. P. 24.1(a), (c)(1); Ala. R. Crim. P. 24.4; Bell v. State, 461 So. 2d 855, 865 (Ala. Crim. App. 1984); Scott v. State, 334 So. 3d 245 (Ala. Crim. App. 2020); Johnson v. State, 555 So. 2d 818 (Ala. Crim. App. 1989)
Alaska	Trial judge only	Alaska R. Crim. P. 33(a) (grounds); Alaska R. Crim. P. 33(c) (non-newly-discovered-evidence motion due within 5 days after verdict); Phornsavanh v. State, 481 P.3d 1145 (Alaska App. 2021); Whisenhunt v. State, 504 P.3d 268 (Alaska App. 2022); Hunter v. Philip Morris USA, Inc., 364 P.3d 439 (Alaska 2015)
Arizona	Trial judge only	Ariz. R. Crim. P. 24.1(a), (c)(1); A.R.S. § 13-4032(2); State v. Fischer, 242 Ariz. 44, 392 P.3d 488 (2017) (No. CR-15-0380-PR)
Arkansas	No lens-free forum	Ark. Code Ann. § 16-89-130(c), (c)(5); Ark. R. Crim. P. 33.3; Ark. R. App. P.; Crim. 8; Murchison v. State, 249 Ark. 861, 874-75, 462 S.W.2d 853, 859 (1971); Brown v. State, 2010 Ark. 420; State v. Cherry, 341 Ark. 924, 20 S.W.3d 354 (2000)
California	Trial judge only	Cal. Penal Code § 1181(6); Porter v. Superior Court (2009) 47 Cal.4th 125; People v. Robarge (1953) 41 Cal.2d 628; People v. Zamudio (2008) 43 Cal.4th 327
Colorado	No lens-free forum	Colo. Crim. P. 33(c); Clark v. People, 232 P.3d 1287, 1291-93 (Colo. 2010); People v. Bennett, 183 Colo. 125, 515 P.2d 466 (1973); People v. Brassfield, 652 P.2d 588 (Colo. 1982); People v. Sprouse, 983 P.2d 771, 778 (Colo. 1999)
Connecticut	Trial judge only	Conn. Practice Book § 42-53 (motion for new trial; 'the judicial authority may grant a new trial if it is required in the interests of justice'); State v. Griffin, 253 Conn. 195 (2000); State v. Hammond, 221 Conn. 264 (1992)
Delaware	No lens-free forum	Del. Super. Ct. Crim. R. 33; Ford v. State, No. 299, 2023 (Del. May 1, 2025) (citing Amalfitano v. Baker, 794 A.2d 575, 577 (Del. 2001); Storey v. Camper, 401 A.2d 458, 465 (Del. 1979))
Florida	Trial judge only	Fla. R. Crim. P. 3.600(a)(2); Fla. R. App. P. 9.140(c)(1)(C), 9.140(i); Tibbs v. State, 397 So. 2d 1120 (Fla. 1981), aff'd sub nom. Tibbs v. Florida, 457 U.S. 31 (1982); State v. Bohler, 263 So. 3d 291 (Fla. 1st DCA 2019)

State	Rule	Authority
Georgia	Trial judge only	O.C.G.A. §§ 5-5-20, 5-5-21; <i>Weston v. State</i> , 320 Ga. 472 (2024) (quoting <i>Weems v. State</i> , 318 Ga. 98 (2024)); <i>Meadows v. State</i> , 316 Ga. 22 (2023)
Hawaii	Trial judge only	Haw. Rev. Stat. § 635-56 (Grounds for new trial); Hawai'i Rules of Penal Procedure Rule 33; <i>State v. Batson</i> , 73 Haw. 236, 248-49, 831 P.2d 924, 931 (1992), quoted in <i>State v. Calaycay</i> , 145 Hawai'i 186, 449 P.3d 1184 (2019); <i>State v. Bringas</i> , 149 Hawai'i 435 (2021)
Idaho	Trial judge only	Idaho Code § 19-2406(6); Idaho Criminal Rule 34(a); <i>State v. Cantu</i> , 129 Idaho 673, 931 P.2d 1191 (1997); <i>State v. Gomez-Alas</i> , 167 Idaho 857, 477 P.3d 911 (2020); <i>State v. Rodriguez</i> , 545 P.3d 1 (Idaho 2024)
Illinois	No lens-free forum	725 ILCS 5/116-1(a)-(c); Ill. S. Ct. R. 604(a)(1); Ill. S. Ct. R. 615(b); <i>People v. Brown</i> , 2013 IL 114196, ¶¶ 48, 53; accord <i>People v. Gray</i> , 2017 IL 120958, ¶ 35
Indiana	Trial judge only	Ind. Trial Rule 59(J)(7); Ind. Crim. Rule 1.1; Ind. Crim. Rule 5.3; <i>Tancil v. State</i> , 956 N.E.2d 1204 (Ind. Ct. App. 2011), trans. denied; <i>State v. Kleman</i> , 503 N.E.2d 895 (Ind. 1987); <i>Drane v. State</i> , 867 N.E.2d 144 (Ind. 2007)
Iowa	Trial judge only	Iowa R. Crim. P. 2.24(2)(b)(7); <i>State v. Reeves</i> , 670 N.W.2d 199 (Iowa 2003); <i>State v. Ellis</i> , 578 N.W.2d 655 (Iowa 1998); <i>State v. Jackson</i> , No. 24-1112 (Iowa May 15, 2026)
Kansas	No lens-free forum	K.S.A. 22-3501(1); <i>State v. Frantz</i> , 316 Kan. 708, 521 P.3d 1113 (2022)
Kentucky	No lens-free forum	Ky. RCr 10.02(1)-(2); Ky. RCr 10.24; <i>Commonwealth v. Benham</i> , 816 S.W.2d 186, 187 (Ky. 1991); <i>Commonwealth v. Bailey</i> , 71 S.W.3d 73, 75-76 (Ky. 2002); <i>Bedingfield v. Commonwealth</i> , 260 S.W.3d 805, 810 (Ky. 2008)
Louisiana	Trial judge only	La. C.Cr.P. arts. 851(B)(1), 858, 821(B); La. Const. art. V, §§ 5(C), 10(B); <i>State v. King</i> , 15-1283 (La. 9/18/17), 232 So.3d 1207; <i>State v. Bourg</i> , 2019-K-00038 (La. 12/11/19)
Maine	No lens-free forum	M.R.U. Crim. P. 33; <i>State v. Call</i> , 322 A.2d 64, 66 & n.1 (Me. 1974); <i>State v. Flynn</i> , 2026 ME 54, ¶¶ 16, 19; <i>State v. Lowery</i> , 2025 ME 3, ¶ 24
Maryland	Trial judge only	Md. Rule 4-331(a), (f); <i>In re Petition for Writ of Prohibition</i> , 312 Md. 280, 325-27, 539 A.2d 664 (1988) (overruling <i>State v. Devers</i> , 260 Md. 360 (1971), in relevant part); <i>Yorke v. State</i> , 315 Md. 578, 582-83 (1989); <i>Buck v. Cam's Broadloom Rugs, Inc.</i> , 328 Md. 51, 57-61 (1992)
Massachusetts	Trial judge only	Mass. R. Crim. P. 25(b)(2); G.L. c. 278, § 11; G.L. c. 278, § 33E; G.L. c. 279, § 25(b); <i>Commonwealth v. Doucette</i> , 408 Mass. 454 (1990); <i>Commonwealth v. Riva</i> , 18 Mass. App. Ct. 713 (1984); <i>Commonwealth v. Billingslea</i> , 484 Mass. 606 (2020); <i>Commonwealth v. Woodward</i> , 427 Mass. 659 (1998); <i>Commonwealth v. Preston</i> , 393 Mass. 318 (1984)
Michigan	Nominal, lensed	MCR 6.431(B) and (D); MCL 770.1; <i>People v Lemmon</i> , 456 Mich 625; 576 NW2d 129 (1998)
Minnesota	No lens-free forum	Minn. R. Crim. P. 26.04, subd. 1(1) (grounds 1 and 7); Minn. R. Crim. P. 28.04, subd. 1(7); <i>State v. Firkus</i> , No. A23-0973 (Minn. Feb. 25, 2026) (quoting <i>State v. Reek</i> , 942 N.W.2d 148, 166 (Minn. 2020)); <i>State v. DeLaCruz</i> , 884 N.W.2d 878 (Minn. App. 2016)
Mississippi	Nominal, lensed	Miss. R. Crim. P. 25.1(b)(2); <i>Little v. State</i> , 233 So. 3d 288 (Miss. 2017); <i>Bush v. State</i> , 895 So. 2d 836, 844 (Miss. 2005)

State	Rule	Authority
Missouri	Trial judge only	Mo. Sup. Ct. R. 29.11(a); § 547.020(5) RSMo; § 547.200.1 RSMo; State v. Johnston, 450 S.W.3d 457, 459-60 (Mo. App. W.D. 2014); State v. Hodge, 399 S.W.2d 65, 67 (Mo. 1966); State v. Grim, 854 S.W.2d 403, 413 (Mo. banc 1993)
Montana	No lens-free forum	§ 46-16-702, MCA; State v. M. Dulaney, 2025 MT 67, ¶ 51
Nebraska	No lens-free forum	Neb. Rev. Stat. § 29-2101(4); Neb. Rev. Stat. § 29-2102(2); State v. Evans, 321 Neb. 841 (2026); State v. Lenhart, 317 Neb. 787, 796-97 (2024); State v. Oldson, 293 Neb. 718, 800 (2016); State v. Nelson, 282 Neb. 767, 775 (2011)
Nevada	Trial judge only	NRS 176.515(1), (4); NRS 175.381(2); NRS 177.265; State v. Purcell, 110 Nev. 1389, 887 P.2d 276 (1994); Alfaro v. State, 139 Nev. 216, 221 n.2, 534 P.3d 138 (2023); Dickey v. State, 140 Nev. Adv. Op. 2, 540 P.3d 442 (2024)
New Hampshire	Trial judge only	N.H. R. Crim. P. 25(e) (motion to set aside verdict; filed within ten days after its rendition, stating all reasons and arguments relied upon); State v. Spinale, 156 N.H. 456, 464-68 (2007); State v. Durgin, 165 N.H. 725 (2013)
New Jersey	Nominal, lensed	N.J. Ct. R. 3:20-1; N.J. Ct. R. 2:10-1; see also N.J. Ct. R. 3:20-2, R. 3:18-2; State v. Jackson, 211 N.J. 394, 413-14 (2012); State v. Carter, 91 N.J. 86, 96 (1982); State v. Brown, 118 N.J. 595, 604 (1990)
New Mexico	No lens-free forum	State v. Griffin, 117 N.M. 745, 877 P.2d 551 (N.M. 1994) (No. 21,136)
New York	Appellate weight review	N.Y. CPL 470.20(5) (see also CPL 470.15(5); CPL 330.30(1)); People v. Bleakley, 69 N.Y.2d 490 (1987); People v. Carter, 63 N.Y.2d 530 (1984); People v. Danielson, 9 N.Y.3d 342 (2007)
North Carolina	No lens-free forum	N.C. Gen. Stat. § 15A-1414(a), (b)(2); § 15A-1447(a), (c); § 15A-1420(c)(2), (c)(4); State v. Freeman, 313 N.C. 539, 549, 330 S.E.2d 465 (1985); accord State v. Fletcher, 301 N.C. 709, 712-13, 272 S.E.2d 859 (1981); State v. Boykin, 298 N.C. 687, 702, 259 S.E.2d 883 (1979); State v. Fritsch, 351 N.C. 373, 379, 381, 526 S.E.2d 451 (2000)
North Dakota	No lens-free forum	N.D.R.Crim.P. 33(a); N.D.C.C. §§ 29-28-06(4), 29-28-30; State v. Hidanovic, 2008 ND 66, ¶ 46, 747 N.W.2d 463; State v. Ratliff, 2014 ND 156, ¶¶ 13, 30, 849 N.W.2d 183
Ohio	Appellate weight review	Ohio Const. art. IV, § 3(B)(3); Ohio Crim.R. 33(A), (D), (F); State v. Thompkins, 78 Ohio St.3d 380, 1997-Ohio-52
Oklahoma	No lens-free forum	22 O.S. § 952 (Sixth); 22 O.S. § 1066; Spuehler v. State, 1985 OK CR 132, 709 P.2d 202, ¶ 7; Parker v. State, 1994 OK CR 56, 887 P.2d 290
Oregon	No lens-free forum	Or Const, Art VII (Amended), § 3; ORS 136.535(1); ORCP 64 B(5), 64 G; ORS 19.430; ORS 138.105(2), (4)(a); ORS 138.257(2); ORS 138.045(1)(j); State v. Mendez, 211 Or App 311, 321, 155 P3d 54 (2007) (quoting Van Lom v. Schneiderman, 187 Or 89, 99, 210 P2d 461 (1949)); State v. Tooley, 265 Or App 30, 32-33, 333 P3d 348, rev den, 356 Or 575 (2014); State v. Puckett, 332 Or App 64, 548 P3d 167, rev den, 372 Or 787 (2024)
Pennsylvania	Trial judge only	Pa.R.Crim.P. 607; Commonwealth v. Widmer, 560 Pa. 308, 744 A.2d 745 (2000); Commonwealth v. Clay, 64 A.3d 1049 (Pa. 2013)
Rhode Island	Trial judge only	R.I. Super. Ct. R. Crim. P. 33 (motion within 10 days of verdict on non-newly-discovered-evidence grounds); State v. Whitaker, No. 2007-145-C.A. (R.I. Nov. 13, 2013); State v. Garcia, No. 2024-265-C.A. (R.I. Apr. 27, 2026)

State	Rule	Authority
South Carolina	No lens-free forum	S.C. Const. art. V, § 5; Rule 29, SCRCrimP; State v. Curry, 406 S.C. 364, 752 S.E.2d 263 (2013) (Op. No. 27335) (quoting State v. Prince, 316 S.C. 57, 64, 447 S.E.2d 177, 181 (1993)); accord State v. Miller, 287 S.C. 280, 283, 337 S.E.2d 883, 885 (1985); State v. Blackwell-Selim, 392 S.C. 1, 3, 707 S.E.2d 426, 427 (2011)
South Dakota	Trial judge only	SDCL 23A-29-1; SDCL 15-6-59(a)(6) and 15-6-59(g); SDCL 23A-32-11; Lewis ex rel. Lewis v. Storms, 290 N.W.2d 494 (S.D. 1980); State v. Ramsay, 2007 S.D. 130; State v. Richter, 2025 S.D. 58, ¶ 32
Tennessee	Trial judge only	Tenn. R. Crim. P. 33(d) (formerly Tenn. R. Crim. P. 33(f)); State v. Ellis, 453 S.W.3d 889 (Tenn. 2015) (n.12); State v. Moats, 906 S.W.2d 431 (Tenn. 1995); State v. Carter, 896 S.W.2d 119 (Tenn. 1995)
Texas	No lens-free forum	Tex. R. App. P. 21.3(h); Tex. R. App. P. 21.8(b); Brooks v. State, 323 S.W.3d 893 (Tex. Crim. App. 2010) (overruling Clewis v. State, 922 S.W.2d 126 (Tex. Crim. App. 1996)); State v. Zalman, 400 S.W.3d 590, 594; 95 (Tex. Crim. App. 2013); Matlock v. State, 392 S.W.3d 662 (Tex. Crim. App. 2013)
Utah	No lens-free forum	Utah R. Crim. P. 24(a) (new trial); Utah R. Crim. P. 23 (arrest of judgment); State v. Robbins, 2009 UT 23, ¶¶ 14-15, 19, 25, 210 P.3d 288; State v. Prater, 2017 UT 13, ¶ 32, 392 P.3d 398; State v. Castillo, 2026 UT 26, ¶¶ 92-94
Vermont	Trial judge only	V.R.Cr.P. 33; State v. Couture, 169 Vt. 222, 227 (1999); State v. Ladabouche, 146 Vt. 279, 285 (1985); State v. Elkins, 155 Vt. 9, 18 (1990)
Virginia	No lens-free forum	Va. Code § 8.01-680; Rules of Sup. Ct. of Va. 3A:15(b), (c); cf. Va. Code § 8.01-430 (civil only); Commonwealth v. Barney, 302 Va. 84 (2023) (Record No. 211126, decided Mar. 16, 2023)
Washington	No lens-free forum	CrR 7.5(a)(7), (d) (Wash. Super. Ct. Crim. R.); State v. Williams, 96 Wn.2d 215, 221-22, 634 P.2d 868 (1981)
West Virginia	No lens-free forum	W. Va. R. Crim. P. 33; State v. Guthrie, 194 W. Va. 657, 461 S.E.2d 163 (1995) (Syl. Pt. 3); State v. Blevins, 231 W. Va. 135, 744 S.E.2d 245 (2013) (Syl. Pt. 2)
Wisconsin	Appellate weight review	Wis. Stat. § 752.35 (court of appeals) and § 751.06 (supreme court); cf. Wis. Stat. § 805.15(1)-(2) (civil only) and § 974.02; State v. Avery, 2013 WI 13, ¶¶ 23, 38, 345 Wis. 2d 407; State v. Henley, 2010 WI 97, ¶¶ 63-66; State v. Kucharski, 2015 WI 64, ¶¶ 34, 36
Wyoming	Trial judge only	W.R.Cr.P. 33(a); Ken v. State, 2011 WY 167, 267 P.3d 567 (Wyo. 2011)

Counsel for a person under sentence of death

Six questions about appointed counsel in capital post-conviction proceedings, asked because a witness told the Committee on 21 August 2026 that Georgia is the only state with no mechanism for it.

B.10 Is a person under sentence of death entitled to appointed post-conviction counsel?

Whether statute, rule or controlling decision entitles an indigent prisoner under sentence of death to appointed counsel for a first state post-conviction or habeas petition, and whether the entitlement is mandatory or discretionary. Where the state has no death penalty, the cell records what remains on the books. 50 of 50 states verified.

State	Rule	Authority
Alabama	Mandatory, prospective only	Ala. Code § 13A-5-53.1(b) (mandate); § 13A-5-53.1(j) (limited to death sentences imposed after August 1, 2017); Ala. R. Crim. P. 32.7(c) and Ala. Code § 15-12-23(a) (conditional/discretionary regime for earlier death sentences); Ex parte State of Alabama (In re State v. Donnie Lee Abernathy), No. CR-2023-0825 (Ala. Crim. App. Jan. 5, 2024) (appointment of separate postconviction counsel 'as required by § 13A-5-53.1(b)'); Belcher v. State, No. CR-2023-0206 (Ala. Crim. App. Aug. 22, 2025) (quoting § 13A-5-53.1(b) in full; FJA applies 'because Belcher was sentenced to death after August 2017')
Alaska	No death penalty	AS 18.85.100(c); Alaska R. Crim. P. 35.1(e)(1); Carman v. State, 564 P.2d 361 (Alaska 1977) (n.5) (death penalty repealed 1957); Wassillie v. State, 331 P.3d 1285 (Alaska App. 2014)
Arizona	Mandatory	A.R.S. § 13-4041(B); A.R.S. § 13-4234(D); Ariz. R. Crim. P. 32.5(b)
Arkansas	Mandatory	Ark. Code Ann. § 16-91-202(a)(1)(A)(i)
California	Mandatory	Cal. Gov. Code § 68662; In re Morgan (2010) 50 Cal.4th 932
Colorado	No death penalty; provision remains	Colo. Rev. Stat. § 16-12-205(1); accord Colo. R. Crim. P. 32.2(b)(3)(I)
Connecticut	Mandatory	Conn. Gen. Stat. § 51-296(a); Conn. Practice Book § 23-26; Kaddah v. Commissioner of Correction, 324 Conn. 548 (2017)
Delaware	No death penalty; provision remains	Del. Super. Ct. Crim. R. 61(e)(2)(iii); see also R. 61(l)(1)
Florida	Mandatory	Fla. Stat. § 27.702(1)-(2); Fla. R. Crim. P. 3.851(b)(1), (b)(6); Silvia v. State, No. SC2026-1162 (Fla. Aug. 12, 2026)
Georgia	None	O.C.G.A. § 9-14-47.1 (capital state-habeas procedure; no counsel provision); O.C.G.A. § 9-14-42; Gibson v. Turpin, 270 Ga. 855, 856 (1999) (513 S.E.2d 186)
Hawaii	No death penalty	Haw. R. Penal P. 40(i) (Rule 40 proceedings; Indigents)
Idaho	Mandatory	Idaho Criminal Rule 44.2(a) (adopted Jan. 26, 2022, eff. Feb. 1, 2022; amended Nov. 1, 2024); cf. Idaho Code § 19-4904; Hall v. State, 155 Idaho 610, 315 P.3d 798 (2013)
Illinois	No death penalty	725 ILCS 5/122-2.1(a)(1) (now '(Blank)'); 725 ILCS 5/119-1
Indiana	Mandatory	Ind. R. Crim. P. 6.1(H) (formerly Ind. Crim. R. 24(H)); Ind. Code § 33-40-1-2(a)
Iowa	No death penalty	Iowa Code § 902.1(1) (2026); see also Iowa Code § 707.2(2); 1965 Iowa Acts ch. 435
Kansas	Mandatory	K.S.A. 22-4506(d)(2); cf. K.S.A. 22-4506(b); Kleypas v. State, 522 P.3d 304 (Kan. Ct. App. 2022) (No. 124,152)
Kentucky	Conditionally mandatory	KRS 31.110(2)(c); Fraser v. Commonwealth, 59 S.W.3d 448 (Ky. 2001); Moore v. Commonwealth, 199 S.W.3d 132 (Ky. 2006)
Louisiana	Mandatory	La. R.S. 15:178 (as amended by Acts 2024, 2d Ex. Sess., No. 22, §1, and Acts 2025, No. 393, §2); State v. Chester, 27 So. 3d 837 (La. 2010) (per curiam)
Maine	No death penalty	17-A M.R.S. § 1603 (see also 17-A M.R.S. § 1502(2); 15 M.R.S. §§ 2121-2132); Gosselin, 141 Me. 412, 44 A.2d 882 (1945)
Maryland	No death penalty	Md. Code, Crim. Proc. § 7-108(a) (general UPPA counsel entitlement); capital provisions repealed by 2013 Md. Laws ch. 156; Grandison v. State, 425 Md. 34, 38 A.3d 352 (2012)

State	Rule	Authority
Massachusetts	No death penalty	Mass. Gen. Laws ch. 265, § 2(a); Commonwealth v. Colon-Cruz, 393 Mass. 150 (1984)
Michigan	No death penalty	Mich Const 1963, art 4, § 46
Minnesota	No death penalty	Minn. Stat. § 590.05 (indigent petitioners); see also Minn. Stat. §§ 611.14(2), 609.10, subd. 1, 609.185
Mississippi	Mandatory	Miss. R. App. P. 22(c)(1)(i)-(ii) (court rule); see also Miss. Code Ann. § 99-39-23(9); Brown v. State, No. 2015-DR-01099-SCT (Miss. Sept. 14, 2017) (Rule 22(c) governs initial, not successive, capital PCR)
Missouri	Mandatory	Mo. Sup. Ct. R. 29.16(a) (and parallel R. 24.036(a)); Mo. Rev. Stat. sec. 547.370.1
Montana	Mandatory	Mont. Code Ann. § 46-21-201(3) (also §§ 46-21-201(3)(b), (3)(d), (3)(f))
Nebraska	Discretionary	Neb. Rev. Stat. § 29-3004; State v. Victor, 242 Neb. 306, 494 N.W.2d 565 (1993)
Nevada	Mandatory	Nev. Rev. Stat. § 34.820(1)(a) (cf. § 34.750(1)); Crump v. Warden, 113 Nev. 293, 934 P.2d 247 (1997) (appointment under this scheme is 'by statutory mandate')
New Hampshire	Discretionary	N.H. Rev. Stat. Ann. § 604-A:2, I
New Jersey	No death penalty	N.J. Ct. R. 3:22-6(a); L.2007, c.204 (amending N.J.S.A. 2C:11-3)
New Mexico	Mandatory	Rule 5-802(L)(1) NMRA
New York	No death penalty; provision remains	N.Y. Judiciary Law § 35-b(1)(b), (2)
North Carolina	Mandatory	N.C. Gen. Stat. § 7A-451(c), (c1), (c2), (e); State v. Bates, 348 N.C. 29, 497 S.E.2d 276 (1998)
North Dakota	No death penalty	N.D.C.C. § 29-32.1-05(1) (residual general provision); see also N.D.C.C. §§ 12.1-32-01, 12.1-16-01
Ohio	Mandatory	Ohio Rev. Code § 2953.21(J)(1); State v. Conway, 2025-Ohio-1844, ¶ 26-29 (Ohio Ct. App. 10th Dist. May 22, 2025)
Oklahoma	Mandatory	Okla. Stat. tit. 22, § 1089(B) (version effective 11/1/2022, operative as of Sept. 2026); Davison v. State, 2023 OK CR 11, ¶ 24, 531 P.3d 649; Stouffer v. State, 2007 OK CR 4, ¶ 7, 154 P.3d 88
Oregon	Mandatory	ORS 138.590(2), (3), (4), (9) (2025 ed.)
Pennsylvania	Mandatory	Pa.R.Crim.P. 904(H)(1) (234 Pa. Code Rule 904; subdivision redesignated (h)(1) eff. Nov. 1, 2026, 56 Pa.B. 2555); Commonwealth v. Staton, 120 A.3d 277 (Pa. 2015) (quoting and applying Pa.R.Crim.P. 904(H)(1) in a capital PCRA case)
Rhode Island	No death penalty	R.I. Gen. Laws § 10-9.1-5 (residual, generally applicable); R.I. Gen. Laws § 11-23-2 (no death sentence); Pona v. State, No. 2022-150-M.P. (R.I. Feb. 3, 2025) (holding 'shall' in § 10-9.1-5 mandatory for a first-time indigent applicant)
South Carolina	Mandatory	S.C. Code Ann. § 17-27-160(B); Robertson v. State, 418 S.C. 505, 795 S.E.2d 29 (2016)
South Dakota	Discretionary	SDCL 21-27-4; Guzman v. Sullivan, 2026 S.D. 38; State v. Reed, 2010 S.D. 105, 793 N.W.2d 63
Tennessee	Mandatory	Tenn. Sup. Ct. R. 28, § 6(B)(3)(a); see also Tenn. Sup. Ct. R. 13, §§ 1(d)(1)(D), 1(e)(3)
Texas	Mandatory	Tex. Code Crim. Proc. art. 11.071 § 2(a), (b), (c)

State	Rule	Authority
Utah	Mandatory	Utah Code Ann. § 78B-9-202(1)(a) (effective May 6, 2026)
Vermont	No death penalty	13 V.S.A. § 7137 (assignment of counsel in petitions for review); 13 V.S.A. §§ 5231, 5232(2), 5233(a)(3); 13 V.S.A. §§ 7101-7107 (repealed eff. June 6, 2024); 13 V.S.A. § 3401 (as amended 2024); 13 V.S.A. § 2303
Virginia	No death penalty	Va. Code § 19.2-163.7 and § 19.2-163.8 (repealed by 2021 Acts Sp. Sess. I, cc. 344, 345, cl. 2, eff. July 1, 2021)
Washington	No death penalty; provision remains	RCW 10.73.150(3)
West Virginia	No death penalty	W. Va. Code § 61-11-2 (capital punishment abolished); residual: W. Va. Code § 53-4A-4(a); Lycans v. Bordenkircher, 159 W. Va. 137, 222 S.E.2d 14 (1975)
Wisconsin	No death penalty	Wis. Stat. s. 974.06(3)(b)
Wyoming	Authorities conflict	Wyo. Stat. Ann. § 7-6-104(c)(ii); contra Wyo. Stat. Ann. § 7-14-104(c)

B.11 Who provides the lawyer, and how

A statewide capital post-conviction defender, a resource centre, appointment from a qualified list, or nothing; and who pays. 50 of 50 states verified.

State	Rule	Authority
Alabama	Court appointment	Ala. Code § 13A-5-53.1(b); Ala. Code §§ 15-12-1(8), 15-12-21(e), 15-12-23(d); Ala. Code § 12-19-252 (Fair Trial Tax Fund)
Alaska	No death penalty	AS 18.85.010; AS 18.85.100(b)-(c); AS 44.21.410(a)(5); Alaska R. Crim. P. 35.1(e)(1)
Arizona	Court appointment from list	A.R.S. § 13-4041(B), (C), (F), (G), (H), (I); Ariz. R. Crim. P. 32.5(b); Laws 2006, ch. 369, § 6 (former A.R.S. § 41-3011.11)
Arkansas	Court appointment from list	Ark. Code Ann. § 16-91-202(d)(2), (f)(2); see also Ark. Code Ann. § 16-87-205
California	Statewide capital defender	Cal. Gov. Code § 68661; Cal. Rules of Court, rules 4.561, 4.562
Colorado	Court appointment	Colo. Rev. Stat. § 16-12-205(6); see also §§ 21-2-101(1), 21-2-105(2)(a)
Connecticut	Court appointment from list	Conn. Gen. Stat. §§ 51-296(a), 51-291(11)-(12), 51-293(a)(2)
Delaware	Court appointment	29 Del. C. §§ 4601, 4605; Del. Super. Ct. Crim. R. 44(b), (d), (e)
Florida	Statewide capital defender	Fla. Stat. §§ 27.701, 27.702(2), 27.703(2), 27.705(1), 27.710(1), (5), 27.715
Georgia	Resource center	Ga. L. 2026, HB 974 (FY 2027 General Appropriations Act), Judicial Branch § 6.7; O.C.G.A. § 17-12-12(d)
Hawaii	Public defender	Haw. Rev. Stat. s 802-8 (office created); s 802-5(a), (c) (appointment, compensation, budgeting); Haw. R. Penal P. 40(i) (referral)
Idaho	Statewide capital defender	Idaho Code § 19-5905(1)(g); Idaho Code §§ 19-5903, 19-5906; Idaho Criminal Rule 44.2(a)-(b)
Illinois	None	725 ILCS 5/122-4 (capital paragraph struck by P.A. 103-51); 725 ILCS 105/10(c)(5), (d) (blanked by P.A. 97-1003); 725 ILCS 124 (Capital Crimes Litigation Act, repealed by P.A. 96-1543)
Indiana	Public defender	Ind. Code §§ 33-40-1-1, 33-40-1-2, 33-40-1-5, 33-40-1-6; Ind. R. Crim. P. 6.1(H)
Iowa	No death penalty	Iowa Code § 815.10(1)(a); Iowa Code § 815.11(1)

State	Rule	Authority
Kansas	Statewide capital defender	K.S.A. 22-4506(d)(1); K.S.A. 22-4522
Kentucky	Public defender	KRS 31.010; KRS 31.110(2)(c); KRS 31.185(3), (4), (6); KRS 422.285(2)(a)
Louisiana	Statewide capital defender	La. R.S. 15:169(A)-(C); La. R.S. 15:152(A); La. Admin. Code tit. 22, § XV-503
Maine	Court appointment	4 M.R.S. § 1801 (see also 4 M.R.S. §§ 1802(4), 1804(3)(A), (3)(I); 15 M.R.S. § 2129(1)(B))
Maryland	Public defender	Md. Code, Crim. Proc. § 16-204(b)(1)(iii); see also §§ 16-202, 16-208(b)(1), (d)(5)
Massachusetts	No death penalty	Mass. R. Crim. P. 30(c)(5); Mains v. Commonwealth, 433 Mass. 30 (2000)
Michigan	None	MCR 6.505(A)
Minnesota	Public defender	Minn. Stat. § 611.25, subd. 1; Minn. Stat. § 611.27, subds. 1, 7
Mississippi	Statewide capital defender	Miss. Code Ann. §§ 99-39-101 to 99-39-119 (esp. §§ 99-39-105, 99-39-117); Miss. R. App. P. 22(c)(1)(ii)
Missouri	Public defender	Mo. Rev. Stat. sec. 547.370.4; Mo. Sup. Ct. R. 29.16(d); funding: Mo. Rev. Stat. sec. 600.040.1-.2
Montana	Public defender	Mont. Code Ann. §§ 46-21-201(3)(b), (3)(c), (3)(e); 2-15-1029; 47-1-104; 46-8-104(1)(c)
Nebraska	Court appointment	Neb. Rev. Stat. §§ 29-3004, 29-3923, 29-3930(1), 29-3921, 33-156
Nevada	Court appointment from list	Nev. Sup. Ct. R. 250(2)(f)-(h); Nev. Rev. Stat. §§ 7.155, 34.750(2), 180.320(3)(b)
New Hampshire	Court appointment	N.H. Judicial Council, Eligibility Guidelines and Performance Standards: Capital Post-Conviction Representation (approved Sept. 2015) (agency guideline, not a statute or court rule); see also N.H. Rev. Stat. Ann. § 604-A:2, II; § 604-A:8
New Jersey	Public defender	N.J.S.A. 2A:158A-5; N.J.S.A. 2A:158A-3; N.J. Ct. R. 3:22-6(a)
New Mexico	Public defender	Rule 5-802(G)(1) NMRA; see also Rule 12-302(G) NMRA
New York	Statewide capital defender	N.Y. Judiciary Law § 35-b(2), (3), (4)(b), (5)(a), (9)
North Carolina	Court appointment from list	N.C. Gen. Stat. §§ 7A-451(c), (d); 7A-498.2(a), (b), (d); 7A-498.3(d); 7A-498.8(b)(5)-(7); IDS Rules Part 2, Rule 2C.2(a)
North Dakota	Court appointment	N.D.C.C. § 54-61-01(1); N.D.C.C. § 29-32.1-05(2)
Ohio	Court appointment	Ohio Rev. Code §§ 120.06(F), 120.33(C) & (D), 120.34(A), 120.35, 2941.51(B)
Oklahoma	Statewide capital defender	Okla. Stat. tit. 22, § 1089(B); Indigent Defense Act, Okla. Stat. tit. 22, §§ 1355; 1355.15 (§ 1355.6(A) responsibility for all capital cases; § 1355.13 non-System capital counsel fee caps)
Oregon	Court appointment from list	ORS 138.590(4), (6), (7); ORS 138.560(1); ORS 151.216(5)-(6); ORS 151.225
Pennsylvania	Court appointment	Pa.R.Crim.P. 900(B)(4); Pa.R.Crim.P. 904(H)(1); Public Defender Act, 16 P.S. §§ 9960.1-9960.13; Kuren v. Luzerne County, 146 A.3d 715 (Pa. 2016)
Rhode Island	Public defender	R.I. Gen. Laws § 10-9.1-5; R.I. Gen. Laws §§ 12-15-1, 12-15-3, 12-15-7
South Carolina	Court appointment from list	S.C. Code Ann. § 17-27-160(B); § 16-3-26(B), (C), (G); § 17-3-380; Rule 608(f)(1)(A) and 608(b)(7), SCACR
South Dakota	Court appointment	SDCL 21-27-4; SDCL 23A-51-7, 23A-51-8 (Office of Indigent Legal Services, SL 2024, ch. 95)

State	Rule	Authority
Tennessee	Statewide capital defender	Tenn. Code Ann. § 40-30-206(a) (Post-Conviction Defender Oversight Commission Act, §§ 40-30-201 to -210); Tenn. Sup. Ct. R. 13, § 1(e)(4)(A); Holton v. State, 201 S.W.3d 626 (Tenn. 2006)
Texas	Statewide capital defender	Tex. Code Crim. Proc. art. 11.071 §§ 2(c), 2(f), 2A(a); Tex. Gov't Code §§ 78.052, 78.054, 78.056
Utah	Court appointment from list	Utah Code Ann. § 78B-9-202(1)(e), (3)(a), (3)(c); (d)
Vermont	Public defender	13 V.S.A. §§ 5251, 5253(a)-(b), 5254(a), 5205(a)-(c), 7137
Virginia	None	Former Va. Code § 19.2-163.7 (repealed 2021); cf. current § 19.2-163.01 (VIDC powers and duties, no capital or habeas function)
Washington	Court appointment from list	RCW 10.73.150; RCW 2.70.020(1)(b)
West Virginia	No death penalty	W. Va. Code § 53-4A-4(a)-(b)
Wisconsin	Public defender	Wis. Stat. s. 977.05(4)(j); see also ss. 977.08, 20.550(1)(a)
Wyoming	Public defender	Wyo. Stat. Ann. §§ 7-6-103(a), 7-6-104(c)(ii), 7-6-109, 7-6-113

B.12 Qualification standards for capital post-conviction counsel

Whether a statute, rule or court order sets experience, training or prior-capital-work requirements for the lawyer appointed. 46 of 50 states verified.

State	Rule	Authority
Alabama	Standards by rule	Ala. Admin. Code (Dep't of Finance) r. 355-9-1-.08 (statutory authority Ala. Code § 41-4-322(h)); cf. Ala. Code § 13A-5-54
Alaska	Not established (unverified)	Alaska R. Crim. P. 35.1(e)(2)-(3); Alaska R. Admin. P. 12(e)(1)
Arizona	Standards by statute	A.R.S. § 13-4041(C)(1)-(3); Ariz. R. Crim. P. 6.8 and 32.5(b); Fitzgerald v. Myers, No. CR-16-0285-PR (Ariz. Sept. 26, 2017)
Arkansas	Standards by statute	Ark. Code Ann. § 16-91-202(c), (d)(5), (e); Ark. R. Crim. P. 37.5(c)
California	Standards by rule	Cal. Gov. Code § 68665; Cal. Rules of Court, rule 8.652
Colorado	Standards by statute	Colo. Rev. Stat. § 16-12-205(2), (3)
Connecticut	No standards	Conn. Gen. Stat. § 51-291(11) (no qualification criteria); cf. § 51-296(c)(3) (standards limited to child protection/family matters)
Delaware	No standards	29 Del. C. § 4603(b); cf. § 4605 ('other qualified counsel'); Del. Super. Ct. Crim. R. 44, 61; Del. Supr. Ct. R. 26, 35
Florida	Standards by rule and statute	Fla. R. Crim. P. 3.112(c), (k), (l); Fla. Stat. §§ 27.704(1)-(2), 27.710(1)-(2), 27.7045
Georgia	No standards	O.C.G.A. § 17-12-12(c), (d)
Hawaii	No standards	Haw. Rev. Stat. s 802-5(a); Haw. R. Penal P. 40(i); Haw. R. Penal P. 44
Idaho	Standards by rule	Idaho Criminal Rule 44.3(a), (c); Idaho Criminal Rule 44.2(a)
Illinois	No standards	Ill. S. Ct. R. 714 (repealed and reserved eff. Feb. 6, 2013); Ill. S. Ct. R. 416 (same); Ill. S. Ct. R. 651(c); Ill. Sup. Ct. order, M.R. 3140 (entered Feb. 6, 2013)

State	Rule	Authority
Indiana	No standards	Ind. R. Crim. P. 6.1(B)(1)-(2), 6.1(J)(1) (trial and appellate standards only); proposed Ind. R. Crim. P. 6.1(K)(2)-(4) (October 2025, not adopted)
Iowa	No standards	Iowa Admin. Code r. 493; 11.3(3); r. 493; 11.3(4)(a); Iowa Code § 815.10(1)(b)
Kansas	Standards by rule	K.A.R. 105-3-2(a)(6), (a)(4), (b); K.S.A. 22-4506(d)(1)(B)
Kentucky	Not established (unverified)	KRS 31.030(6) (only general DPA standard-setting authority); RCr 11.42(5) (appointment provision, silent on qualifications)
Louisiana	Standards by rule	La. Admin. Code tit. 22, § XV-915(D)(1)(e) (LPDB Capital Defense Guidelines, LAC 22:XV.Chapter 9; promulgated LR 36:998 (May 2010) under La. R.S. 15:148); see also §§ XV-901(B)(1), XV-913(A)(1)(a), XV-923, XV-309
Maine	Standards by rule	94-649 C.M.R. ch. 3 § 3(10) (PDS rule, 2025 amendment, filing 649c003-2025-189); rulemaking authority 4 M.R.S. § 1804(2)(B)
Maryland	No death penalty	Md. Code, Crim. Proc. § 16-208(a)(2)
Massachusetts	No death penalty	Mass. Gen. Laws ch. 277, § 47
Michigan	No death penalty	MCR 6.505(A)
Minnesota	No standards	Minn. Stat. § 611.24, subd. 1(b)
Mississippi	Standards by rule	Miss. R. App. P. 22(d), 22(e) (court rule); Miss. Code Ann. § 99-39-107
Missouri	Standards by rule	Mo. Sup. Ct. R. 29.16(b)-(c); Mo. Rev. Stat. sec. 547.370.2-.3; see also Mo. Sup. Ct. R. 29.15(f)
Montana	Standards by court order	Mont. Code Ann. § 46-21-201(3)(a) (incorporating the standards); Mont. Sup. Ct. Order AF 97-326 (June 29, 1999, as amended July 16, 2002), Standards Part III; In re Amending This Court's Standards for Competency of Counsel for Indigent Persons in Death Penalty Cases, No. 97-326 (Mont. July 16, 2002)
Nebraska	No standards	Neb. Rev. Stat. § 29-3004 (cf. § 29-3928; Neb. Ct. R. § 6-1467)
Nevada	Standards by rule	Nev. Sup. Ct. R. 250(2)(c)-(e), 250(3)(a)
New Hampshire	Standards by guideline	N.H. Judicial Council, Eligibility Guidelines and Performance Standards: Capital Post-Conviction Representation (approved Sept. 2015) (agency guideline, not a statute or court rule)
New Jersey	No standards	N.J. Ct. R. 3:22-6; OPD Pool Attorney Guidelines (rev. Aug. 2024)
New Mexico	Standards by rule (unverified)	Rule 12-302(G) NMRA (capital appellate counsel); Rule 5-802 NMRA (no standard)
New York	Standards by rule	22 NYCRR § 515.2(1)(a) (Court of Appeals rule adopted under N.Y. Judiciary Law § 35-b(4)(b)(iv))
North Carolina	Standards by rule	N.C. Gen. Stat. §§ 7A-451(d), 7A-498.5(c)(7); IDS Rules Part 2 Appendix, § 2C.1 (App.) (amended eff. May 29, 2015)
North Dakota	No standards	N.D.C.C. § 54-61-02(1)(a)(3); ND Commission on Legal Counsel for Indigents, Minimum Attorney Performance Standards; Appellate and Post-Conviction Matters § 2.1 (2025 update)
Ohio	Standards by statute	Ohio Rev. Code § 2953.21(J)(2); Ohio Rules for Appointment of Counsel in Capital Cases 3.01-3.05, 4.01, 4.03; State v. Ahmed, 2023-Ohio-3464, ¶ 7 (Ohio Ct. App. 7th Dist. Sept. 27, 2023)

State	Rule	Authority
Oklahoma	Not established	Okla. Stat. tit. 22, § 1355.4(C)(9) (current version, superseded 1/1/2027); see also § 1355.6(C)
Oregon	Standards by rule	ORS 151.216(1)(k), (2)(c) (authorizing); OPDC Attorney Qualification Standards, PCR Attorney 3 (adopted July 16, 2025, effective Feb. 16, 2026)
Pennsylvania	Standards by rule	Pa.R.Crim.P. 801 (234 Pa. Code Rule 801); Pa.R.Crim.P. 904 Comment; Commonwealth v. Staton, 120 A.3d 277 (Pa. 2015) (appointed attorneys withdrew or were replaced on discovering they lacked Rule 801 qualifications)
Rhode Island	No standards	R.I. Gen. Laws § 10-9.1-5; R.I. Super. R. Crim. P. 44 (checked, no standards)
South Carolina	Standards by statute	S.C. Code Ann. § 17-27-160(B); S.C. Code Ann. § 16-3-26(B), (F); Rule 421, SCACR; Robertson v. State, 418 S.C. 505, 795 S.E.2d 29 (2016)
South Dakota	No standards	SDCL 23A-51-6(4)(a); SDCL 23A-40-21
Tennessee	Standards by rule	Tenn. Sup. Ct. R. 13, § 3(h) (adopted by order filed April 3, 1997, eff. July 1, 1997); see also § 3(g), § 3(i), § 1(a)(C)
Texas	Standards by statute	Tex. Gov't Code § 78.056(a); see also § 78.053(b); Tex. Code Crim. Proc. art. 11.071 § 2(a); Ex parte Graves, 70 S.W.3d 103 (Tex. Crim. App. 2002)
Utah	Standards by rule	Utah R. Crim. P. 8(e) (eff. Nov. 1, 2024), incorporated by Utah Code Ann. § 78B-9-202(1)(a)(ii)
Vermont	No death penalty	13 V.S.A. § 5273(a); see also 13 V.S.A. § 5253(b)(1), (c)
Virginia	No standards	Former Va. Code § 19.2-163.8 (repealed by 2021 Acts Sp. Sess. I, cc. 344, 345, cl. 2)
Washington	No standards	No primary source reached
West Virginia	No standards	No primary source reached
Wisconsin	No death penalty	Wis. Admin. Code s. PD 1.04(13)(b); see also s. PD 1.04(3)(d), s. PD 1.035
Wyoming	Not established (unverified)	Wyo. Stat. Ann. § 7-6-103(c)(vi) (only rulemaking delegated to the State Public Defender)

B.13 Whether the capital deadline waits for counsel

Whether the post-conviction filing period runs from, is tolled for, or waits on the appointment of counsel, or runs regardless. 49 of 50 states verified.

State	Rule	Authority
Alabama	Runs from brief	Ala. Code § 13A-5-53.1(c), (d), (f)(3); Ala. R. Crim. P. 32.2(c) (pre-FJA cases); Ex parte State of Alabama (In re State v. Abernathy), No. CR-2023-0825 (Ala. Crim. App. Jan. 5, 2024) (circuit court had no authority to grant a 270-day extension absent an untimely or unfiled petition and appointment of new counsel); Belcher v. State, No. CR-2023-0206 (Ala. Crim. App. Aug. 22, 2025) (no equitable tolling under the FJA)
Alaska	Runs regardless	AS 12.72.020(a)(3)(A); AS 12.72.025; Alaska R. Crim. P. 35.1(c), (e)(2); Brian F. Hall v. State of Alaska, Op. No. 2821 (Alaska App. Nov. 28, 2025)
Arizona	Runs from appointment	Ariz. R. Crim. P. 32.7(a)(2)(A); Ariz. R. Crim. P. 32.4(b)(3)(C), 32.5(b); cf. A.R.S. § 13-4234(D), (F), (G); A.R.S. § 13-4041(D)
Arkansas	Runs from appointment	Ark. R. Crim. P. 37.5(e); cf. Ark. Code Ann. § 16-91-202(g)-(i); Simpson v. State, 347 Ark. 564, 65 S.W.3d 878 (2002)

State	Rule	Authority
California	Runs from appointment	Cal. Penal Code § 1509(c)
Colorado	Runs from appointment	Colo. R. Crim. P. 32.2(b)(3), (b)(6); Colo. Rev. Stat. § 16-12-209
Connecticut	No fixed deadline	Conn. Gen. Stat. § 52-470(f)(3) (capital exemption); § 52-470(c)-(e)
Delaware	Tolled until counsel	Del. Super. Ct. Crim. R. 61(l)(1), (l)(3), (l)(4); cf. R. 61(i)(1)
Florida	Runs from finality	Fla. R. Crim. P. 3.851(d)(1), (d)(2)(C), (d)(4); cf. 3.851(b)(1)-(2), (c)(4)-(5)
Georgia	No fixed deadline	O.C.G.A. § 9-14-42(c); Uniform Superior Court Rules 44.3, 44.9, 44.12
Hawaii	No fixed deadline	Haw. R. Penal P. 40(a)(1); Akau v. State, No. SCWC-13-0003754 (Haw. Mar. 5, 2019) (published)
Idaho	Runs regardless	Idaho Code § 19-2719(3), (5); Idaho Criminal Rule 44.2(a); Stuart v. State, 149 Idaho 35, 232 P.3d 813 (2010)
Illinois	Runs regardless	725 ILCS 5/122-1(c)
Indiana	No fixed deadline	Ind. R. Crim. P. 6.1(G)(2), 6.1(H); Ind. P-C.R. 1(1)(a); Ind. Code § 35-50-2-9(i)
Iowa	Runs regardless	Iowa Code § 822.3
Kansas	Runs regardless	K.S.A. 60-1507(f); Kleypas v. State, 522 P.3d 304 (Kan. Ct. App. 2022)
Kentucky	Runs regardless	RCr 11.42(10); Bowling v. Commonwealth, 926 S.W.2d 667 (Ky. 1996)
Louisiana	Runs regardless	La. C.Cr.P. art. 930.8(A), (B)(2), (F) (as amended by Acts 2024, 2d Ex. Sess., No. 10, and Acts 2025, No. 393, §1)
Maine	Runs regardless	15 M.R.S. § 2128-B(1)
Maryland	Runs regardless	Md. Code, Crim. Proc. § 7-103(b)
Massachusetts	No fixed deadline	Mass. R. Crim. P. 30(b); Commonwealth v. Lane, 462 Mass. 591 (2012)
Michigan	No fixed deadline (unverified)	MCR 6.509(A); MCR 6.502(G); MCR 6.505(B)
Minnesota	Runs regardless	Minn. Stat. § 590.01, subd. 4; Reynolds v. State, 888 N.W.2d 125 (Minn. 2016) (noted in the Revisor's annotation to subd. 4)
Mississippi	Runs from appointment	Miss. R. App. P. 22(c)(5)(i); Miss. R. App. P. 22(c)(4)(i); cf. Miss. Code Ann. § 99-39-5(2)(b); Brown v. State, No. 2015-DR-01099-SCT (Miss. Sept. 14, 2017)
Missouri	Runs regardless	Mo. Sup. Ct. R. 29.16(e) (amended motion, 180 days from mandate + appointment); Mo. Sup. Ct. R. 29.15(b) (initial motion, 90 days from mandate, runs regardless of counsel)
Montana	Runs regardless	Mont. Code Ann. § 46-21-102(1)-(2); see also §§ 46-21-201(3)(a)-(b), 46-21-201(1)(b)
Nebraska	Runs regardless	Neb. Rev. Stat. § 29-3001(4); State v. Trail, 319 Neb. 84 (2025)
Nevada	Runs regardless	Nev. Rev. Stat. §§ 34.726(1)-(2), 34.750(3), 34.820(1)
New Hampshire	Runs regardless	N.H. Rev. Stat. Ann. § 526:4; see also § 534:1-:3 (no deadline)
New Jersey	Runs regardless	N.J. Ct. R. 3:22-12(a)(1), (b); former R. 3:22-12(b) (deleted eff. Sept. 1, 2017)
New Mexico	Runs from appointment	Rule 5-802(L)(3) NMRA
New York	No fixed deadline	N.Y. Crim. Proc. Law § 440.10(1); § 440.20(1); § 460.40(3); 22 NYCRR § 510.4(b)-(c); N.Y. Judiciary Law § 35-b(1), (11)
North Carolina	Runs from appointment	N.C. Gen. Stat. § 15A-1415(a)(6); see also § 15A-1415(a1), (d); § 7A-451(c)

State	Rule	Authority
North Dakota	Runs regardless	N.D.C.C. § 29-32.1-01(2); see also §§ 29-32.1-01(3), 29-32.1-03(6)
Ohio	Runs regardless	Ohio Rev. Code § 2953.21(A)(2)(a)-(b); Ohio Rev. Code § 2953.23; State v. Conway, 2025-Ohio-1844, ¶ 26, 29 (Ohio Ct. App. 10th Dist. 2025)
Oklahoma	Runs regardless	Okla. Stat. tit. 22, § 1089(D)(1); OCCA Rule 9.7(A)(2); OCCA Rule 1.14(D)(2); Stouffer v. State, 2007 OK CR 4, ¶ 8, 154 P.3d 88
Oregon	Runs regardless	ORS 138.510(3); ORS 138.686(3); cf. ORS 138.590(4)-(5)
Pennsylvania	Runs regardless	42 Pa.C.S. § 9545(b)(1), (b)(3); Pa.R.Crim.P. 900(B)(1)-(2); Pa.R.Crim.P. 904(H)(1); Pa.R.Crim.P. 909(B)
Rhode Island	No fixed deadline	R.I. Gen. Laws § 10-9.1-3
South Carolina	Runs regardless	S.C. Code Ann. § 17-27-45(A), (C); S.C. Code Ann. § 17-27-160(A)-(C); Robertson v. State, 418 S.C. 505, 795 S.E.2d 29 (2016)
South Dakota	Runs regardless	SDCL 21-27-3.3; SDCL 21-27-3.1
Tennessee	Runs regardless	Tenn. Code Ann. § 40-30-102(a); Tenn. Sup. Ct. R. 28, §§ 4(B), 6(B)(3), 6(C)(8); Whitehead v. State, 402 S.W.3d 615 (Tenn. 2013)
Texas	Runs from appointment	Tex. Code Crim. Proc. art. 11.071 § 4(a); see also §§ 4(b), 4A; Ex parte Medina, 361 S.W.3d 633 (Tex. Crim. App. 2011)
Utah	Runs regardless	Utah Code Ann. § 78B-9-202(5); Utah Code Ann. § 78B-9-107(1); (4)
Vermont	No fixed deadline	13 V.S.A. § 7131; see also 13 V.S.A. §§ 7134, 7136
Virginia	Runs regardless	Va. Code § 8.01-654(A)(2) (current); former § 8.01-654.1 (repealed 2021)
Washington	Runs regardless	RCW 10.73.090(1), (3)
West Virginia	No fixed deadline	W. Va. Code § 53-4A-1(f)
Wisconsin	No fixed deadline	Wis. Stat. s. 974.06(2); see also Rule 809.30(2)(b), (e), (h)
Wyoming	Runs regardless	Wyo. Stat. Ann. § 7-14-103(d); Harlow v. State, 2005 WY 12, ¶ 4, 105 P.3d 1049 (Wyo. 2005)

B.14 How the mechanism operates in fact

An applied example or authoritative description: a decision appointing counsel under the provision, a defender office's enabling statute, a court order, or a finding that the office exists on paper but is unfunded or vacant. 50 of 50 states verified.

State	Rule	Authority
Alabama	Applied example	Ala. Code § 13A-5-53.1(b); Ex parte State of Alabama (In re State of Alabama v. Donnie Lee Abernathy), No. CR-2023-0825 (Ala. Crim. App. Jan. 5, 2024)
Alaska	No death penalty	AS 18.85.100(c); AS 44.21.410(a)(5); Wassillie v. State, 331 P.3d 1285 (Alaska App. 2014)
Arizona	Office operating	A.R.S. § 13-4041(B), (E), (F); Ariz. R. Crim. P. 32.5(b); State v. Montoya, No. CR-22-0106-AP (Ariz. Aug. 15, 2024)
Arkansas	Office operating	Johnson v. State, 2020 Ark. 168, 598 S.W.3d 515; Jackson v. State, 343 Ark. 613 (2001); Hill v. State, 363 Ark. 480 (2005)
California	Office unfunded or vacant	Cal. Gov. Code § 68661(l); In re Morgan (2010) 50 Cal.4th 932

State	Rule	Authority
Colorado	Applied example	People v. Owens, 2014 CO 58, 330 P.3d 1027
Connecticut	Office operating	Webb v. Commissioner of Correction, 322 Conn. 318 (2016)
Delaware	Applied example	Del. Super. Ct. Crim. R. 61(e)(1), (l)(3) (2010 numbering); Zebroski v. State, 12 A.3d 1115 (Del. 2010)
Florida	Office operating	Fla. Stat. §§ 27.701, 27.704(1), 27.711(4)-(6), 27.7002(5)-(6); Silvia v. State, No. SC2026-1162 (Fla. Aug. 12, 2026)
Georgia	Office operating	Gibson v. Turpin, 270 Ga. 855, 855-856 (1999)
Hawaii	No death penalty	Haw. R. Penal P. 40(i), 40(f); Rapozo v. State, No. SCWC-16-0000532 (Haw. Oct. 22, 2021) (published)
Idaho	Office operating	Idaho Criminal Rule 44.2; Idaho Code § 19-5906; Hall v. State, 155 Idaho 610, 315 P.3d 798 (2013)
Illinois	Applied example	725 ILCS 5/122-2.1(a)(1) (West 1998) (repealed); People v. Thomas, 195 Ill. 2d 37, 743 N.E.2d 552 (2001)
Indiana	Office operating	Corcoran v. State, Nos. 24S-SD-222, 02S00-0508-PD-350 (Ind. Dec. 10, 2024)
Iowa	No death penalty	No primary source reached
Kansas	Applied example	K.S.A. 22-4506(d); Kleypas v. State, 522 P.3d 304 (Kan. Ct. App. 2022)
Kentucky	Office operating	Sanders v. Commonwealth, 339 S.W.3d 427 (Ky. 2011)
Louisiana	Applied example	La. R.S. 15:178; La. R.S. 15:169(C); State v. Clark, 2012-KA-0508 (La. 6/26/19)
Maine	No death penalty	Me. Const. art. I, § 10; Harnish v. State, 531 A.2d 1264 (Me. 1987)
Maryland	Office operating	Grandison v. State, 425 Md. 34, 38 A.3d 352 (2012)
Massachusetts	No death penalty	Mass. R. Crim. P. 30(c)(5); Mains v. Commonwealth, 433 Mass. 30 (2000)
Michigan	No death penalty	People v Parks, Docket No. 162086 (Mich, July 28, 2022) (slip op at 24 & n 10)
Minnesota	No death penalty	Laws of Minnesota 1911, ch. 387 (H.F. No. 2), approved April 22, 1911; Minn. Stat. §§ 609.10, subd. 1, 609.185
Mississippi	Office operating	Miss. Code Ann. § 99-39-23(9); Miss. R. App. P. 22(c)(1)(ii); Godbolt v. State, 407 So. 3d 86 (Miss. 2024) (direct appeal); Order, Godbolt v. State, No. 2025-DR-00524-SCT (Miss. May 12, 2025)
Missouri	Office operating	Mo. Sup. Ct. R. 29.16(d); Hutchison v. State, 150 S.W.3d 292 (Mo. banc 2004) (No. SC 85548)
Montana	Not established	Mont. Code Ann. § 46-21-201(3)(b), (3)(e); Mont. Sup. Ct. Order AF 97-326, Standard V (registry of qualified capital counsel)
Nebraska	Applied example	Neb. Rev. Stat. § 29-3004; State v. Mata, 304 Neb. 326 (2019) (recounting State v. Mata, 280 Neb. 849 (2010) (Mata III))
Nevada	Applied example	Nev. Rev. Stat. § 34.820(1)(a); McNelton v. State, 115 Nev. 396, 990 P.2d 1263 (1999); Crump v. Warden, 113 Nev. 293, 934 P.2d 247 (1997)
New Hampshire	Not established	Petition of Michael Addison, No. 2025-0273 (N.H., argued Mar. 26, 2026), from Addison v. Zenk, No. 217-2016-CV-00726 (N.H. Super. Ct., Merrimack Cty.)
New Jersey	No death penalty	N.J.S.A. 2C:11-3b; State v. Fortin, 198 N.J. 619 (2009)
New Mexico	Office operating	Fry v. Lopez, 2019-NMSC-013, 447 P.3d 1086

State	Rule	Authority
New York	Office operating	N.Y. Judiciary Law § 35-b(3), (4) ('Within the amounts appropriated therefor'); People v. LaValle, 3 N.Y.3d 88 (2004); People v. Taylor, 9 N.Y.3d 129 (2007)
North Carolina	Office operating	N.C. Gen. Stat. § 7A-498.9 (annual report); IDS Policy 04.01.07 (eff. 2024-08-09); State v. Bates, 348 N.C. 29, 497 S.E.2d 276 (1998)
North Dakota	No death penalty	No primary source reached
Ohio	Applied example	Ohio Rev. Code § 2953.21(J)(1); State v. Ahmed, 2023-Ohio-3464 (Ohio Ct. App. 7th Dist. Sept. 27, 2023)
Oklahoma	Office operating	Okla. Stat. tit. 22, § 1089(B); Stouffer v. State, 2007 OK CR 4, ¶ 7, 154 P.3d 88
Oregon	Applied example	Johnson v. Premo, 355 Or 866, 333 P3d 288 (2014)
Pennsylvania	Applied example	Commonwealth v. Staton, 120 A.3d 277 (Pa. 2015)
Rhode Island	No death penalty	R.I. Gen. Laws § 10-9.1-5; Pona v. State, No. 2022-150-M.P. (R.I. Feb. 3, 2025)
South Carolina	Applied example	S.C. Code Ann. § 17-27-160(B); Robertson v. State, 418 S.C. 505, 795 S.E.2d 29 (2016)
South Dakota	Not established	SDCL 21-27-4; Piper v. Young, 2019 S.D. 65 (No. 28153); Guzman v. Sullivan, 2026 S.D. 38
Tennessee	Office operating	Tenn. Sup. Ct. R. 13; Tenn. Code Ann. §§ 40-30-205 to -209; Holton v. State, 201 S.W.3d 626 (Tenn. 2006)
Texas	Office operating	Tex. Code Crim. Proc. art. 11.071 § 4A(b); Ex parte Medina, 361 S.W.3d 633 (Tex. Crim. App. 2011)
Utah	Applied example	Utah Code Ann. § 78B-9-202(3) (as applied); Menzies v. State, 2014 UT 40, ¶¶ 37; 38, 344 P.3d 581
Vermont	No death penalty	2023, No. 161 (Adj. Sess.) (H.878), §§ 7-8, eff. June 6, 2024; State v. Pray, 133 Vt. 537, 346 A.2d 227 (1975)
Virginia	No death penalty	Juniper v. Warden of the Sussex I State Prison, Record No. 062556 (Va. Mar. 4, 2011), 707 S.E.2d 290
Washington	Applied example	In re Pers. Restraint of Davis, No. 89590-2 (Wash. May 18, 2017) (slip op.)
West Virginia	No death penalty	W. Va. Code § 62-3-15; Lycans v. Bordenkircher, 159 W. Va. 137, 222 S.E.2d 14 (1975)
Wisconsin	No death penalty	Schumaker v. State, 5 Wis. 324 (1856)
Wyoming	Office operating	Harlow v. State, 2005 WY 12, 105 P.3d 1049 (Wyo. 2005)

B.15 The verdict: does the state have a mechanism at all?

One of five answers for each state: counsel must be appointed; counsel may be appointed; no state mechanism; the state has no death penalty; or the authorities conflict. Federal habeas counsel under 18 U.S.C. § 3599 is excluded by design, so no state is credited with a federal mechanism. 50 of 50 states verified.

State	Rule	Death penalty	Authority
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State	Rule	Death penalty	Authority
Alabama	Mandatory	Active	Ala. Code § 13A-5-53.1(b), (j); Ex parte State of Alabama (In re State v. Donnie Lee Abernathy), No. CR-2023-0825 (Ala. Crim. App. Jan. 5, 2024)
Alaska	No death penalty	Abolished 1957	AS 12.55.015; AS 12.55.125(a); AS 18.85.100(c); Carman v. State, 564 P.2d 361 (Alaska 1977); Green v. State, 390 P.2d 433 (Alaska 1964)
Arizona	Mandatory	Active	A.R.S. § 13-4234(D); A.R.S. § 13-4041(B), (C); Ariz. R. Crim. P. 32.5(b); State v. Montoya, No. CR-22-0106-AP (Ariz. Aug. 15, 2024)
Arkansas	Mandatory	Active	Ark. Code Ann. § 16-91-202; Ark. R. Crim. P. 37.5; Hill v. State, 363 Ark. 480, 215 S.W.3d 589 (2005)
California	Mandatory	Moratorium	Cal. Gov. Code § 68662; In re Morgan (2010) 50 Cal.4th 932
Colorado	No death penalty	Abolished 2020	Colo. Rev. Stat. § 16-11-901 (SB 20-100); residual mechanism at § 16-12-205 and Colo. R. Crim. P. 32.2; People v. Ray, 2025 CO 42, ¶ 3 (unitary review process no longer applied after commutation)
Connecticut	No death penalty	Abolished 2012	Public Acts 2012, No. 12-5; Conn. Gen. Stat. §§ 53a-46a, 51-296(a), 52-470(f)(3); State v. Santiago, 318 Conn. 1 (2015); State v. Peeler, 321 Conn. 375 (2016)
Delaware	No death penalty	Abolished 2024	11 Del. C. § 4209(a), (b)-(h) [Repealed] (84 Del. Laws ch. 433 (2024)); residual: Del. Super. Ct. Crim. R. 61(e)(2)(iii), (l); Rauf v. State, 145 A.3d 430 (Del. 2016); Powell v. State, 153 A.3d 69 (Del. 2016)
Florida	Mandatory	Active	Fla. R. Crim. P. 3.851(b)(1); Fla. Stat. §§ 27.702(1), 27.710(5); Silvia v. State, No. SC2026-1162 (Fla. Aug. 12, 2026)
Georgia	None	Active	O.C.G.A. § 17-12-12(d); O.C.G.A. § 9-14-47.1; Gibson v. Turpin, 270 Ga. 855, 862 (1999)
Hawaii	No death penalty	Abolished 1957	Act 282, 1957 Session Laws of Hawaii (abolition); Haw. Rev. Stat. s 706-656 (life without parole is the maximum for first degree murder); Haw. R. Penal P. 40(i) (general post-conviction counsel); Huihui v. Shimoda, 64 Haw. 527 (1982)
Idaho	Mandatory	Active	Idaho Criminal Rule 44.2(a); Idaho Code § 19-5905(1)(g); Hall v. State, 155 Idaho 610, 315 P.3d 798 (2013)
Illinois	No death penalty	Abolished 2011	725 ILCS 5/119-1
Indiana	Mandatory	Active	Ind. R. Crim. P. 6.1(H)
Iowa	No death penalty	Abolished 1965	1965 Iowa Acts ch. 435 (H.F. 8)
Kansas	Mandatory	Active	K.S.A. 22-4506(d)(2); Kleypas v. State, 522 P.3d 304 (Kan. Ct. App. 2022)
Kentucky	Mandatory	Active, executions halted	RCr 11.42(5); KRS 31.110(2)(c); Fraser v. Commonwealth, 59 S.W.3d 448, 456 (Ky. 2001)
Louisiana	Mandatory	Active	La. R.S. 15:178; State v. Chester, 27 So. 3d 837 (La. 2010)

State	Rule	Death penalty	Authority
Maine	No death penalty	Abolished 1887	P.L. 1887, ch. 133, § 1 (abolition); 17-A M.R.S. § 1603; Gosselin, 141 Me. 412, 44 A.2d 882 (1945)
Maryland	No death penalty	Abolished 2013	2013 Md. Laws ch. 156 (S.B. 276), §§ 1-5; Grandison v. State, 234 Md. App. 564, 174 A.3d 388 (2017) (commutation of the last death sentences)
Massachusetts	No death penalty	Abolished 1984	Mass. Gen. Laws ch. 279, §§ 68-71 (residual, inoperative); Mass. Gen. Laws ch. 265, § 2; Commonwealth v. Colon-Cruz, 393 Mass. 150 (1984)
Michigan	No death penalty	Abolished 1846	Mich Const 1963, art 4, § 46; People v Parks, Docket No. 162086 (Mich, July 28, 2022) (slip op at 24 n 10)
Minnesota	No death penalty	Abolished 1911	Minn. Stat. § 609.185
Mississippi	Mandatory	Active	Miss. R. App. P. 22(c)(1)(ii); Miss. Code Ann. § 99-39-23(9); Brown v. State, No. 2015-DR-01099-SCT (Miss. Sept. 14, 2017)
Missouri	Mandatory	Active	Mo. Rev. Stat. sec. 547.370.1 (L. 1997 S.B. 56); Mo. Sup. Ct. R. 29.16(a); Mo. Sup. Ct. R. 24.036(a); Hutchison v. State, 150 S.W.3d 292 (Mo. banc 2004)
Montana	Mandatory	Active, executions halted	Mont. Code Ann. § 46-21-201(3); In re Amending This Court's Standards for Competency of Counsel for Indigent Persons in Death Penalty Cases, No. 97-326 (Mont. July 16, 2002) (Standards Part III, postconviction phase)
Nebraska	Discretionary	Active	Neb. Rev. Stat. § 29-3004; State v. Victor, 242 Neb. 306, 494 N.W.2d 565 (1993)
Nevada	Mandatory	Active	Nev. Rev. Stat. § 34.820(1); Crump v. Warden, 113 Nev. 293, 934 P.2d 247 (1997)
New Hampshire	Discretionary	Abolished 2019	N.H. Rev. Stat. Ann. § 604-A:2, I
New Jersey	No death penalty	Abolished 2007	L.2007, c.204 (approved Dec. 17, 2007), amending N.J.S.A. 2C:11-3; State v. Fortin, 198 N.J. 619 (2009)
New Mexico	No death penalty	Abolished 2009	N.M. Laws 2009, ch. 11 (H.B. 285), §§ 1, 5-6; residual provision: Rule 5-802(L)(1) NMRA; Fry v. Lopez and Allen v. LeMaster, 2019-NMSC-013, 447 P.3d 1086
New York	Mandatory	No one under sentence	N.Y. Judiciary Law § 35-b(1)(b), (2), (9)
North Carolina	Mandatory	Active, executions halted	N.C. Gen. Stat. § 7A-451(c), (c1); State v. Bates, 348 N.C. 29, 497 S.E.2d 276 (1998)
North Dakota	No death penalty	Abolished 1973	N.D.C.C. § 12.1-32-01
Ohio	Mandatory	Active	Ohio Rev. Code § 2953.21(J)(1); State v. Conway, 2025-Ohio-1844, ¶ 25-29 (Ohio Ct. App. 10th Dist. 2025)

State	Rule	Death penalty	Authority
Oklahoma	Mandatory	Active	Okla. Stat. tit. 22, § 1089(B); Davison v. State, 2023 OK CR 11, ¶ 24, 531 P.3d 649
Oregon	Mandatory	No one under sentence	ORS 138.590(3), (4); Johnson v. Premo, 355 Or 866, 333 P3d 288 (2014)
Pennsylvania	Mandatory	Active, executions halted	Pa.R.Crim.P. 904(H)(1) (234 Pa. Code Rule 904); Commonwealth v. Staton, 120 A.3d 277 (Pa. 2015); Commonwealth v. Bradley, 261 A.3d 381 (Pa. 2021)
Rhode Island	No death penalty	Abolished 1984	R.I. Gen. Laws § 11-23-2; Pona v. State, No. 2022-150-M.P. (R.I. Feb. 3, 2025)
South Carolina	Mandatory	Active	S.C. Code Ann. § 17-27-160(B); Robertson v. State, 418 S.C. 505, 795 S.E.2d 29 (2016)
South Dakota	Discretionary	Active	SDCL 21-27-4; Guzman v. Sullivan, 2026 S.D. 38; State v. Reed, 2010 S.D. 105, 793 N.W.2d 63
Tennessee	Mandatory	Active	Tenn. Sup. Ct. R. 13, § 1(e)(3) (with § 1(d)(1)(D), § 1(e)(4)(A), § 3(h)); Tenn. Sup. Ct. R. 28, § 6(B)(3)(a); Tenn. Code Ann. §§ 40-30-201 to -210; Holton v. State, 201 S.W.3d 626 (Tenn. 2006)
Texas	Mandatory	Active	Tex. Code Crim. Proc. art. 11.071 § 2(b); Ex parte Graves, 70 S.W.3d 103 (Tex. Crim. App. 2002)
Utah	Mandatory	Active	Utah Code Ann. § 78B-9-202(1)(a) (effective May 6, 2026; Laws of Utah 2026, ch. 345 (H.B. 495)); Menzies v. State, 2014 UT 40, 344 P.3d 581 (applying the § 78B-9-202 funding provisions)
Vermont	No death penalty	Abolished	13 V.S.A. §§ 7101-7107 (repealed by 2023, No. 161 (Adj. Sess.), § 8, eff. June 6, 2024); 13 V.S.A. § 3401 (as amended by § 7 of the same act); 13 V.S.A. § 2303; State v. Pray, 133 Vt. 537, 346 A.2d 227 (1975)
Virginia	No death penalty	Abolished 2021	2021 Acts of Assembly, Sp. Sess. I, ch. 344 (H.B. 2263), cll. 2, 3, 4; see also Va. Code § 18.2-10(a)
Washington	No death penalty	Abolished 2018	RCW 10.95.030, as amended by 2023 c 102 s 23 (death-penalty provisions repealed by 2023 c 102 s 21); residual capital-counsel provision at RCW 10.73.150(3); State v. Gregory, No. 88086-7 (Wash. Oct. 11, 2018) (slip op.)
West Virginia	No death penalty	Abolished 1965	W. Va. Code § 61-11-2; Lycans v. Bordenkircher, 159 W. Va. 137, 222 S.E.2d 14 (1975); State ex rel. Campbell v. Wood, 151 W. Va. 807, 155 S.E.2d 893 (1967)
Wisconsin	No death penalty	Abolished 1853	Wis. Stat. s. 939.50(3)(a); see also s. 940.01(1)(a); Schumaker v. State, 5 Wis. 324 (1856)
Wyoming	Authorities conflict	Active, no one under sentence	Wyo. Stat. Ann. § 7-6-104(c)(ii); contra Wyo. Stat. Ann. § 7-14-104(c); Harlow v. State, 2005 WY 12, 105 P.3d 1049 (Wyo. 2005)

Appendix C. Verification record

Every cell was required to cite a primary source and quote it. Each citation was then retrieved independently and searched for the quoted language. Where a state site refuses automated retrieval, the cell was checked against a copy of the document retrieved by hand and retained, and the cell says so.

Pass	Cells	Verified
Post-conviction procedure, seven questions (July 2026)	350	339
Trial record and weight review, two questions (August 2026)	100	100
Counsel under sentence of death, six questions (September 2026)	300	295
All	750	734

The 16 unverified cells. None of them is a verdict cell in the capital pass, and none is used for any count in Part One.

- Alaska: capital pc counsel standards
- Kentucky: capital pc counsel standards
- Michigan: capital pc deadline interaction
- New Mexico: capital pc counsel standards
- Wyoming: capital pc counsel standards
- Hawaii: judicial reassignment
- Hawaii: successive bar
- Louisiana: judicial reassignment
- Louisiana: successive bar
- New Hampshire: judicial reassignment
- New Hampshire: successive bar
- New Mexico: judicial reassignment
- New Mexico: pro se screening
- Oregon: judicial reassignment
- West Virginia: judicial reassignment
- West Virginia: successive bar

Further checks on the first pass: every cited opinion was read in full (201 opinions) to establish holding against dictum and the court's vote; later decisions citing each case were read (2,519 opinions across 160 cases) for abrogation or limitation; the enactments of every state (684) were screened against the specific authority each cell rests on; and every question was answered a second time, independently, and the two compared. The second pass was contested by an independent system, re-run where unresolved, and backed by a retained primary-source corpus for all fifty states. The count of states that appoint counsel at a first post-conviction proceeding was coded under a written rule on 1 September 2026, with each state's operative words quoted. Corrections: accountability@gps.press. The online version records every correction made since publication.

