

# Post Conviction Relief – Habeas Corpus

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In reality, most Utahans don't really understand our justice system. There's a reason the term "legalese" exists and let's not start on the differences between the theory and the actual practice of the justice system. It's a sad reality that, even with all of our system's safeguards, **sometimes innocent people get convicted**. It's also true that, even in cases of clear guilt, members of the justice system can abuse their position or simply make mistakes.

In both cases, the law of the land is clear: **if your rights were violated, then you get to go free. That's called post conviction relief, but it's only available under very specific circumstances and for a very short period of time.**

You're also in charge of proving that your rights were violated in a clear and obvious fashion. Frankly, if you find yourself in need of a post conviction appeal for relief, you shouldn't risk any further mistakes. The experienced legal professionals at Wasatch Defense Attorneys have the expertise and the staff to get your case rolling quickly. No one is more aggressive in defending your rights.

**Call us today for a free, confidential consultation at [801.980.9965](tel:801.980.9965).**

## What is Post Conviction Relief?

**Post conviction relief is the dismissal of a conviction after the conviction has already been ordered.** The dismissal of a conviction is typically accomplished under the Utah Post-Conviction Remedies Act, which only offers a limited timeframe for appeals.

As may be expected, the State of Utah doesn't want just any conviction to be challenged, so the grounds for the petition are very specific.

Examples of when you can petition for post conviction relief are if:

- Your constitutional rights were violated
- The conviction happened in the wrong jurisdiction
- You received an inappropriate or illegal sentence as part of the conviction
- The evidence produced at the trial was contaminated or otherwise problematic
- You made a plea agreement which was then changed without your consent or was improperly executed

## **Post Conviction Appeals**

**If you were convicted of a crime, you have 30 days to file your appeal. If you do not file for an appeal during that time, you will no longer qualify.** Once you have filed your appeal, you have 1 year to assemble all of the evidence you need to apply for post conviction relief.

Typically, this process requires a writ of Habeas Corpus. In Latin, Habeas Corpus literally means “produce the body.” In legal usage, it demands that the State provide you with the evidence that it is using to detain you and, if the State cannot provide that evidence, that it release you.

Like with post conviction relief, you will have shoulder the burden of proof when it comes to proving that you are being imprisoned unjustly. This is usually the last chance for a defendant to fight their guilty conviction and the more time that passes, the lower the chance of success.

## **Best Criminal Appeal Lawyer**

If you believe you have been wrongfully convicted, you need to hire a qualified defense attorney. Constitutional rights and evidentiary law (the law governing how evidence is handled) can be remarkably complicated, especially when you’re trying to prove how they’ve been violated. Don’t let a rookie mistake prevent you from achieving your post conviction relief. Our experienced sentencing experts are dedicated to aggressively attacking the case against you and can reduce or even eliminate your sentence. We know how to challenge the charges against you and we have the experience to find errors that others may overlook.

**If you want a lawyer who aggressively defends your quality of life, then contact Wasatch Defense Attorneys for a no-obligation, case review [801.980.9965](tel:801.980.9965).**

## **Guard Your Rights**

Do NOT Waive Your Right to Legal Counsel! Authorities will try get you to incriminate yourself and suggest there is no need for an attorney. Stay calm and call us immediately: [801.980.9965](tel:801.980.9965)

## **Experience You Can Trust**

We have represented thousands of clients, with countless difficulties and challenges, for more than 100 years. Less than 1% of our clients have ever been incarcerated.

## **Compassionate & Aggressive**

Whether you have a family, financial, or criminal matter – our ethical, caring attorneys listen to YOU and use their expertise and a strong, hands-on approach to get you the best result.