

Southern Center for Human Rights

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PostConviction- Georgia

The Southern Center for Human Rights challenges unconstitutional practices in prisons and jails. The only criminal cases we take are death penalty cases. Unfortunately, we can neither represent you, nor provide you with legal research/assistance concerning your case. We do, however, have some general information that may be helpful.

Deadline to file habeas corpus petitions in state court

In 2004, the Georgia legislature passed a law limiting the time frame during which a person convicted of a crime can file a petition for habeas corpus in state court. The deadline is different depending on the date of your conviction.

If your conviction was final (or becomes final) **after** July 1, 2004, your habeas petition must be filed within **four years** of the date that your felony conviction became final by the conclusion of direct review or the expiration of the time for seeking this review.

If your conviction was final **on or before** July 1, 2004, the deadline to file a habeas petition in state court is **July 1, 2008**.

These deadlines can only be extended if: (1) the state has done something to prevent you from filing a habeas petition on time (Ga. Code Ann. § 9-14-42(c) (2)); (2) the United States Supreme Court or Georgia Supreme Court announced a change in the law that would affect your case and that will be applied retroactively (Ga. Code Ann. § 9-14-42(c) (3)); or (3) there are facts to support your case that could not have been discovered before through the exercise of due diligence (Ga. Code Ann. § 9-14-42)(c)(4)).

Please note there is a shorter timeframe (**one year**) to file a habeas challenge to a misdemeanor conviction. See Ga. Code Ann. § 9-14-42(c).

The courts will take these deadlines very seriously. Please be mindful of them. Unfortunately, due to the large volume of mail we receive, we cannot answer questions about the application of this statute to your individual case.

Complaints about court appointed attorneys

Complaints about court appointed attorneys or public defenders can be made with the Georgia Public Defender Standards Council. This Council was created in 2003 after the Georgia Legislature passed a bill to create a statewide public defender system. The Council cannot represent you in your case.

Georgia Public Defender Standards Council
104 Marietta St., Suite 200
Atlanta, GA 30306
(800) 676-4432

Referrals

If you are able to hire an attorney, the Georgia Bar Association maintains a list of local bar associations that offer lawyer referral services (Note: the Georgia Bar Association is not authorized to make lawyer referrals). You or a family member can call the Georgia Bar and inquire about a local bar association in your area. This is also the office where you can file a bar complaint about an attorney if the need should arise.

State Bar of Georgia
101 Marietta St. NW
Atlanta, GA 30303
(404) 527-8700

If you believe you are innocent *and DNA tests may exonerate you*, you may wish to contact the Georgia Innocence Project.

Georgia Innocence Project
752 ½ North Highland Avenue
Atlanta, GA 30306