

Habitual Felon Checklist

- Substantive offense—Is it a felony that supports a habitual felon charge?
- Predicate offenses—Do they meet all statutory requirements?
- Circumstances of conviction of predicate offenses—Were there constitutional or other violations?
- Prior habitual felon adjudications—Was the defendant ever acquitted?
- Timing of habitual felon indictment—Was it filed in a pending case, before entry of plea?
- Pleading of predicate offenses—Are all requirements properly pled?
- Amendments or superseding habitual felon indictments—Are changes timely?
- Proof of predicate offenses—Has the state offered sufficient proof?
- Number of sentences—Are multiple sentences being imposed when not permitted or required?
- Use of priors at sentencing—Are prior convictions being double-counted or given too many points?
- Extraordinary mitigation—Is the defendant eligible?
- Stipulations—Were stipulations appropriate?
- Judgment—Was judgment entered properly?
- Pending issues—Are there constitutional or other potential challenges?