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?