

3. Ground Three: _____
Supporting FACTS: _____

4. Ground Four: _____
Supporting FACTS: _____

D. WAIVER OF GROUNDS FOR RELIEF (15 M.R.S. § 2128)

Please answer the following questions:

1. Did you appeal the Criminal Judgment or the post-judgment proceedings you are challenging in this Petition to the Maine Supreme Judicial Court or any other court?

Yes

No

2. If you answered “Yes” to question 1, did you raise the same errors or grounds for relief in your appeal that you are now raising in this Petition?

Yes

No

3. If you answered “No” to question 2, please explain why you did not raise the same errors or grounds for relief in your appeal? At the time Mr. Denbow had the opportunity to appeal his sentence, he could not have predicted that the sentence would place him at elevated risk of contracting a deadly virus in an unprecedented pandemic.

4. Have you previously filed a petition for post-conviction review regarding the Criminal Judgment or post-sentencing proceedings that you are challenging in this Petition?

Yes

No

5. If you answered “Yes” to question 4, did you raise any of the same errors or grounds for relief in your previous petition that you have raised in this Petition?

Yes

No

6. If you answered “No” to question 5, please explain why you could not have raised those same errors or grounds for relief in your earlier petition? _____

E. EXHAUSTION OF REMEDIES (15 M.R.S. § 2126)

Please answer the following questions:

1. Did you file any motions in the trial court challenging the Criminal Judgment or the post-judgment proceedings you are challenging in this Petition? (*For example: motion for acquittal; motion for a new trial; etc.*)
 Yes
 No

2. If you answered “Yes” to question 1, what were the motions; what was the result of each motion; and what was the date of each result? _____

3. Did you appeal the Criminal Judgment or the post-judgment proceedings you are challenging in this Petition to the Maine Supreme Judicial Court or any other court?
 Yes
 No

4. If you answered “Yes” to question 3, what was the decision of the appellate court and the date of that decision? _____

5. Did you apply to the Maine Supreme Judicial Court for permission to appeal your sentence in the Criminal Judgment you are challenging in this Petition?
 Yes
 No

6. If you answered “Yes” to question 5, what was the decision of the Maine Supreme Judicial Court and the date of that decision? _____

7. Did you file a petition for clemency (pardon) to the Governor of Maine related to the Maine the Criminal Judgment you are challenging in this Petition?
 Yes
 No

8. If you answered “Yes” to question 7, what was the Governor’s decision and the date of that decision? _____

9. Did you file a petition for a Writ of Habeas Corpus in the United States District Court related to the Criminal Judgment you are challenging in this Petition?
 Yes
 No

10. If you answered “Yes” to question 9, answer each of the following questions:
- Date your petition for a Writ of Habeas Corpus was filed: _____
 - The U.S. District Court’s decision: _____
 - Date of U.S. District Court’s decision: _____
 - U.S. District Court’s Docket Number: _____
 - If you appealed the decision of the U.S. District Court to the First Circuit Court of Appeals, what was the decision and date of the decision of that appellate court: _____

11. Did you seek any administrative remedies regarding the Criminal Judgment you are challenging in this Petition?
- Yes
 No
12. If you answered “Yes” to question 11, what was the name of the administrative agency, what was the agency’s decision and the date of that decision? Mr. Denbow requested release from the Department of Corrections through the Supervised Community Confinement Program.

13. What other remedies did you seek related to the Criminal Judgment you are challenging in this Petition? N/A

F. TIME FOR FILING (15 M.R.S. § 2128-B).

Please provide any dates for the following that apply regarding, the Criminal Judgment or post-sentencing proceeding that you are challenging in this Petition.

- Please check and complete all the following that apply:
 - Date of the Criminal Judgment or post-sentencing proceeding: May 8, 2019 (sentencing)
 - Date your appeal was decided: _____
 - Date that a new law supporting one or more of your grounds for relief went into effect: _____
 - Date that you learned about new facts supporting one or more of your grounds for relief: March 15, 2020, the date that Governor Mills declared a state of emergency because of COVID-19
 - Date of any final administrative action: _____
- If you checked any of the boxes in 1, is this petition being brought more than one year after the most recent date listed by you?
 - Yes
 - No
- If you answered “Yes” to question 2, please state why your petition was not brought within the required one-year period: _____

4. If you are subject to a pending deportation proceeding under federal immigration law, please check and complete the following:

(a) Date that you discovered that deportation proceedings have been started against you:

(b) Was your petition for post-conviction review brought more than 60-days after this date?

Yes

No

(c) If you answered "Yes" to 4(b), please state why your petition was not brought within the required 60-day period: _____

G. CONCLUSION

Wherefore, I pray that the court grant me the following relief:

Declare that Mr. Denbow's remaining sentence of imprisonment until August 28, 2020 is unconstitutional and order immediate release so Mr. Denbow can safely quarantine at home and protect himself from exposure to the deadly COVID-19 virus.

Date: 4/13/2020

Signature /s/ Emma E. Bond on behalf of Petitioner Joseph Denbow

Print name Emma Bond, Maine Bar No. 05211

Address P.O. Box 7860

Portland, Maine 04112

H. OATH OR AFFIRMATION

See attached Emergency Motion for Bail and Leave to File Unsworn Petition

The Petitioner, _____, being first duly sworn, deposes (affirms) and says that he/she is the Petitioner named in the foregoing Petition; that he/she has read the same; that all matters set forth are true, except such matters as are alleged on information and belief; and, as to those matters, he/she believes them to be true.

Date: _____

Signature _____

Print name _____

Subscribed and sworn to (affirmed) before me this _____ day of _____.

(Month)

(Year)

(Notary Public) (Attorney)