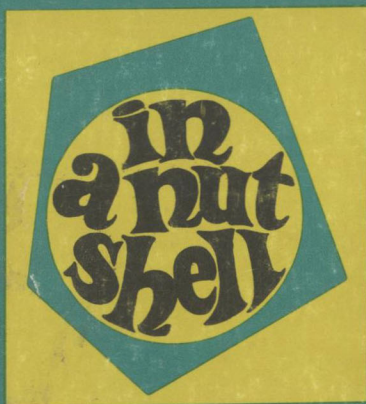


# Post - Conviction Remedies



®

ROBERT POPPER

# **POST-CONVICTION REMEDIES IN A NUTSHELL**

By

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## PREFACE

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Over 287,000 persons were serving sentences of more than one year in state and federal prisons at the end of 1976. This is a record number. If the trend of recent years continues, there will be even more at the end of 1977. The great number of prisoner petitions filed in courts throughout the country reflects this burgeoning prison population. The figures relating to the growth in legal activity of prisoners are referred to in the introductory chapter to this book. In view of these developments, it is somewhat surprising that the study of post-conviction remedies in the law schools has not shown a corresponding vitality. A course in that subject which I teach at the U.M.K.C. School of Law is apparently one of only a few offered in the country. It is perhaps time for this lag in curriculum development to be corrected.

In this book I attempt to underline some of the main ideas and issues in the area. It should serve as a helpful introduction to the body of knowledge designated as post-conviction remedies. Although written primarily for the student in law school, it can be an aid to anyone who wants to understand an important part of our legal system, a part which though dynamic, has long and unfortunately been treated by students as a specialty that is too

## PREFACE

esoteric to broach. A happy exception to the hands-off policy of the schools toward the subject has been the creation of clinical projects in which students give legal assistance to prisoners, including counseling and guidance in post-conviction matters and litigation. To these students this book might be helpful.

I begin with a consideration of issues of initial importance to the prisoner and therefore to his lawyer. Next, there is an examination of the different types of remedies, with emphasis on the complexities that have developed in the federal remedy of habeas corpus. The last chapter is intended as an introduction to the area of pardon and other forms of clemency. The appendix contains the federal statutory provisions pertaining to habeas corpus, and rules and forms recently adopted for use in post-conviction litigation.

ROBERT POPPER

Kansas City, Missouri  
December, 1977

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