

Highlights to the 2026 Edition of State Postconviction Remedies and Relief Handbook With Forms

This new Edition of State Postconviction Remedies and Relief Handbook With Forms includes new and updated case law consisting of new content in the following areas:

- Colorado Supreme Court holds that, as a matter of first impression, a postconviction court should order the prosecution to disclose discovery of certain materials if the defendant asserts specific errors and alleges that the record might contain specific facts that would substantiate the alleged errors. *People v. Bell*, 589 P.3d 465, 2026 CO 28 (CO 2026) (see § 8:5);
- Delaware Supreme Court holds that trial counsel’s decision to impeach the victim’s mother by cross-examining her about the truthfulness of her police report claiming that the defendant potentially molested a second child was a reasonable strategic choice. *Kent v. State*, 340 A.3d 545 (DE 2025) (§ 10:9);
- As a matter of first impression, Iowa does not follow the prison-mailbox rule for the filing of postconviction-relief applications. Under the prison-mailbox rule, courts consider an inmate’s filing as “filed” when it is deposited in the prison’s internal mail system. *Davis v. State*, 35 N.W.3d 127 (IA 2026) (§ 18:10);
- Maine Supreme Court holds that, when a criminal defendant files an untimely direct appeal, they may file a petition for post-conviction relief and, if successful, may request as a remedy the reinstatement of their right to appeal. *State v. Belony*, 334 A.3d 633, 2025 ME 26 (ME 2025) (§ 22:33);
- The issue of trial counsel’s alleged ineffectiveness will be procedurally barred when a defendant’s trial counsel is different from their counsel on direct appeal and the defendant does not raise on direct appeal any issue of trial counsel’s ineffective performance which was known to the defendant or was apparent from the record. *State v. German*, --- N.W.3d ---, 321 Neb. 652 (NE 2026) (§ 30:9);
- Ohio Supreme Court holds that inmate was not entitled to habeas corpus relief because he was incarcerated on a validly imposed life sentence. *In re McDonald v. Stuff*, 181 Ohio St.3d 19 (OH 2026) (§ 38:54); and
- One-year deadline for defendant to file his petition for post-conviction relief began to run on the date that the

Court of Appeals entered its order of dismissal of the defendant's appeal. *Jackson v. Spanish Fork City*, 581 P.3d 165, 2025 UT App 161 (Ct. App. UT 2025) (§ 47:16).