

1 days after the docketing of the application to respond by answer or
2 by motion. In considering the application, the court shall take
3 account of substance, regardless of defects of form. If the
4 application is not accompanied by the record of the proceedings
5 challenged therein, the respondent shall file with its answer the
6 record or portions thereof that are material to the questions raised
7 in the application; or such records may be ordered by the court.
8 The court may also allow depositions and affidavits for good cause
9 shown.

10 ~~(b)~~ B. When a court is satisfied, on the basis of the
11 application, the answer or motion of respondent, and the record,
12 that the applicant is not entitled to post-conviction relief and no
13 purpose would be served by any further proceedings, it may order the
14 application dismissed or grant leave to file an amended application.
15 Disposition on the pleadings and record is not proper if there
16 exists a material issue of fact. The judge assigned to the case
17 should not dispose of it on the basis of information within his
18 personal knowledge not made a part of the record.

19 ~~(c)~~ C. The court may grant a motion by either party for summary
20 disposition of the application when it appears from the response and
21 pleadings that there is no genuine issue of material fact and the
22 moving party is entitled to judgment as a matter of law. An order
23 disposing of an application without a hearing shall state the
24 court's findings and conclusions regarding the issues presented.

1 SECTION 2. This act shall become effective November 1, 2014.

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3 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY, dated 02/26/2014 - DO
4 PASS, As Coauthored.
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