



**GWINNETT DISTRICT ATTORNEY'S OFFICE
APPLICATION TO REQUEST REVIEW
BY THE CONVICTION INTEGRITY UNIT (CIU)
CLAIM OF ACTUAL INNOCENCE**

INSTRUCTIONS

Please read the “Eligibility” and “Notifications” sections below. Before submitting this Application, please try to complete all the information requested. If you are sending an Application by mail, please write legibly in ink so that it is easy to read. If the space provided is not enough, please place your answers on a separate page and attach it to this Application.

ELIGIBILITY

- The convicted person must have been prosecuted by the Gwinnett County District Attorney’s office and conviction obtained in a court in the Gwinnett Judicial Circuit.
- The convicted person must assert actual innocence, which means the convicted person maintains they were wrongfully convicted because they did not commit or participate in the crime.
- The investigation must show a **plausible claim of actual innocence** to determine whether **information or evidence** gives rise to believe that the convicted person did not actually commit the offense.
- The investigation must lead to the discovery of new information or evidence that was not considered by the trier of fact (i.e., judge or jury) during the proceedings that led to conviction.
- The direct appeal has become final, the final order has been issued, and there is no pending litigation.

The CIU will consider a conviction resulting from a plea of guilty; however, the CIU only investigates claims by a person who asserts actual innocence.

The CIU also may investigate claims of actual innocence based on a showing that the investigative or fact-finding process that led to the conviction was so fundamentally flawed that the guilty verdict cannot reasonably be relied upon as accurate **and** the alleged flaws lead to a substantial reason to conclude that the convicted person is actually innocent.

The CIU *does not review* convictions obtained against a person who is now deceased.

The CIU *does not review* convictions obtained in any other State, in any federal proceeding, or in any Georgia county other than Gwinnett County.

The CIU *does not review* convictions that assert that newly discovered evidence supports only an affirmative defense, such as consent, self-defense, or lack of intent.

The CIU may also, in its discretion, investigate other claims of actual innocence in extraordinary circumstances.

NOTIFICATIONS

This Application does NOT convey legal advice or legal rights.

If the CIU engages in a review of the conviction it is likely the CIU may request additional information from the Applicant. It also is possible that the CIU will request information from others identified as having relevant information, including attorneys.

Any person who completes and submits this Application should recognize that you have the right not to provide information to an agency of government about a criminal matter. By submitting this Application, you agree that any information you provide in this form is given freely and that no promise has been conveyed to you.

The CIU may request that you authorize the attorney(s) who represented you in the criminal case to discuss your case with us. **The CIU cannot require that your lawyer speak about your case without your permission.** The CIU may consider your case even if you decline to provide all the information requested, or if you decline to authorize an interview of your attorney.

The CIU reserves the right, however, to consider such refusals when reaching its decisions and recommendations.

DUE TO THE HIGH VOLUME OF REQUESTS, IT WILL TAKE TIME TO REVIEW YOUR SUBMISSION. WE ASK FOR YOUR PATIENCE UNTIL YOU HEAR BACK FROM US.

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Initial each statement below to show your understanding and agreement with the following:

_____ **Requesting review of my case by your office will not toll the time I have to pursue post-conviction remedies, such as filing an appeal or post-conviction motion. I need to pursue those remedies separately.**

_____ **Acknowledgment of receipt of the Application by the Gwinnett County District Attorney's Office does NOT mean it accepts my case for investigation and does NOT mean it accepts my claim of innocence.**

if you do not know the answer to a question, write Do Not Know or DNK

if a question is not applicable, write Not Applicable or NA

CONVICTED PERSON'S INFORMATION

Full Name (LAST NAME(S), FIRST, MIDDLE):

Any Aliases: _____

Court Case # _____

Inmate # _____

Date of Birth: _____

Age _____

Email: _____

Gender _____

Cell Number: _____

Other Phone Number: _____

Race/Ethnicity _____

Age at the time of the offense _____

Current Correctional Institution Name and Address (if applicable):

Mailing Address:

Do you currently have an attorney? Yes No

IMPORTANT: If you are currently represented by an attorney, the CIU will only communicate with your attorney. You should consult your attorney prior to submitting your Application; your attorney may want to wait to submit the Application or submit the Application on your behalf. The Gwinnett County District Attorney's Office cannot provide legal advice. Please consult with an attorney before submitting an Application.

If yes, name of your current attorney(s), their email(s), and phone number(s):

Is it ok for your prior attorney(s) to speak with the CIU about your case? Yes No

If yes, please list all the Attorney(s) who have represented you and their email and phone number:

Are you working, or have worked with a private investigator(s)/organization(s)/individual(s) regarding your claim? Yes No

If yes, provide their name(s), email(s), and phone number(s):

What is your dominant language? _____

Is someone reading this form to you? Yes No

Is someone filling out this form for you? Yes No

Are you still serving your sentence from this conviction? Yes No

If "Yes", are you in prison on probation on parole

What is the name of the Judge who sentenced you? _____

Indictment Charges _____

Sentence Length _____

Sentencing Enhancements (if applied) _____

Time Already Served _____ Time Remaining to Serve _____

If you are preparing this submission on behalf of the convicted person, please provide:

Relationship to the Defendant: _____

Your Full Name (LAST, FIRST, MIDDLE): _____

Cell Number: _____ Other Phone Number: _____

Email: _____

Mailing Address: _____

Street Address, Apartment/Unit #, City, State, ZIP Code

CASE INFORMATION

Please check every box for every statement **that is true**. You can check as many boxes as you need.

- I did not do any parts of the crime I was convicted of.
- My conviction happened in Gwinnett County.
- My direct appeal – the appeal following my sentence – is over.
The date my appeal was denied _____

Please check every box for every statement **that is true**. You can check as many boxes as you need. If none apply, check the box saying, “None of the above statements apply to me.”

- I had no role in the crime I was convicted of.
- I did some of what I was convicted for, but not all of it.
- I did something illegal, but I was drunk or high at the time of the incident.
- I did something illegal, but I have a condition that affects my ability to act or understand right from wrong.
- I did something illegal because I was forced to do it by someone else.
- I did something illegal, but I got too much time in prison for it.
- None of the above statements apply to me.

How were you convicted?

A jury or judge found me guilty OR I entered a guilty or no contest plea

Please provide dates for the following

When did the crime occur? _____

When were you arrested? _____

When were you sentenced? _____

Location of Crime(s) (including city/cities): _____

Type of Crime(s): _____

Arresting Police Department: _____

Name of co-defendant(s): _____

Do you have trial transcripts? Yes No

Do you have other case related documents? Yes No

If yes, explain (for example, police file):

Do not send any materials unless we specifically request that you do so. We cannot guarantee that documents submitted to this Unit will be returned.

Prior post-conviction appeals

Do you have any active appeals or post-conviction motion now pending? Yes No

If yes, please provide the case number: _____

If yes, what court is it in:

- Trial Court Georgia Court of Appeal Georgia Supreme Court
 Federal District Court Circuit Court of Appeals US Supreme Court

Have you filed any post-conviction motions before in this case? Yes No

If Yes, provide information about the motions (i.e. what were they/were they granted/denied):

INFORMATION OR EVIDENCE

Prior DNA Testing

Was DNA evidence used at your trial? Yes No

 If yes, was it by State Defense

Have you filed a motion for DNA testing under Georgia law? Yes No

 Was the motion granted? Yes No

 Was testing done? Yes No

Contact with Innocence Organizations

Have you contacted an innocence project about your case? Yes No

 If yes, are they currently investigating? Yes No

 If yes, which organization(s) and when? _____

New evidence or evidence that shows I am innocent

Please check every box for every statement **that is true**. You can check as many boxes as you need. If none apply, check the box saying, "None of the above statements apply to me."

- A witness/informant who testified against me has recanted or changed their testimony.
- I was not at the crime scene and have an alibi.
- There is new evidence that proves my innocence that wasn't available when I went to trial or entered my plea.

Briefly explain that evidence: _____

- There is new evidence that shows my trial was unfair that wasn't available when I went to trial or entered my plea.

Briefly explain that evidence: _____

- There was scientific testimony at my trial that was wrong or has been discredited.

Briefly explain that testimony: _____

- There is DNA in my case that was never tested.

- The officer who arrested me or presented testimony against me was arrested or has a sustained finding of dishonesty or bias.

Name of officer and badge number: _____

- None of the above statements apply to me.

Information about Evidence in your case

Please check every box for every statement **that is true**. You can check as many boxes as you need. If none apply, check the box saying, "None of the above statements apply to me."

- I testified at my trial.
- Police said I confessed to them, but I did not.
- Police said I confessed to them, but my statement was coerced.
- An eyewitness or victim didn't know me, but identified me as committing the crime and got it wrong.
 - If you were identified, which of the following fit how you were identified:
 - A show-up or confrontation
 - A photo array or photo lineup
 - From a live lineup
 - For the first time in court
- The witness or informant who testified against me lied.
- The witness or informant who testified against me had a deal with the State I just learned about.

Please explain the deal and how you learned of it: _____

- Police said they found my fingerprint at the crime scene.
- Police said they found my hair at the crime scene.
- Police said they found my blood at the crime scene.
- Police said they found my body fluids (semen, spit, sweat) at the crime scene.
- Police said the victim's DNA was on me.
- Police said I had the victim's property or other belongings.
- None of the above statements apply to me.

Please provide names, addresses, and phone numbers of individuals who might have information regarding your case. *By writing their information, you are giving us permission to talk to them.*

Did you know the victim(s)? Yes No

If yes, how did you know the victim(s)?

Describe your arrest (i.e. where were you, how did it happen, how many times were you interviewed and for how long): _____

Did anyone who testified against you, including the alleged victim, have a reason to lie?

- Yes No

If yes, explain why they had a reason to lie:

Did the prosecution use any of the following to convict you?

- | | |
|--|--|
| <input type="checkbox"/> Bite mark analysis | <input type="checkbox"/> Shaken baby syndrome |
| <input type="checkbox"/> Microscopic hair comparison | <input type="checkbox"/> Blood typing (AB, O, etc.) |
| <input type="checkbox"/> Arson science | <input type="checkbox"/> Microscopic fiber/carpet analysis |
| <input type="checkbox"/> Gunshot residue (GSR) | <input type="checkbox"/> Bullet/Ballistic comparison |
| <input type="checkbox"/> Fingerprints | <input type="checkbox"/> DNA |

If you check any above, please explain how it was used against you.

If you check any above, did you ever see or hear about a report of the test results?

- Yes No

If yes, what did it say?

Do you know who committed the crime(s) of which you were convicted? Yes No

If yes, how do you know that they committed the crime?

Please write their names and whereabouts. *By writing their information, you are giving us permission to talk to them.*

Please describe (in detail) the facts of your case the way you think the crime could have happened (i.e., was there a struggle, were any fluids discharged like semen, saliva, or blood, did the perpetrator touch several items at the crime scene)?

Is there new information or evidence which supports your claim that you are innocent of the crime[s]? Yes No

Could testing develop new evidence in your case which the jury did not hear about in your original trial that would demonstrate your actual innocence? Yes No

If yes, what type of testing could develop new evidence (see examples below)?

Some possible examples include:

- A DNA test that a lab could perform on the crime scene evidence which would conclusively prove that you did not commit the crime.
- A DNA test which a lab could perform which would point to someone else having committed the crime.
- A DNA test on the crime scene evidence which could be put in the national DNA database of convicted felons and which might match to a convicted felon showing that person committed the crime.
- A key state witness against you at the time you were convicted who has now recanted his or her testimony. By “recanted,” we mean that the witness is now saying that he or she lied against you before, or was mistaken before, and that they now are saying something different that shows you are innocent.
- A new witness who has recently come forward, and who did not testify before, who can now testify that you are innocent. This can be someone who saw the crime and says it was someone else who they saw do it, or someone who provides you with a solid alibi because they were with you somewhere else when the crime occurred.
- Other new science other than DNA, such as gunshot residue analysis or new arson science, which could be performed on the crime scene evidence and which would show that you are innocent. (Note: lead bullet analysis and arson science have greatly advanced in recent years. Many old methods that might have been used to convict you are now considered inaccurate. If you were convicted as a result of arson science or gunshot residue analysis, new studies showing those methods were flawed could constitute new evidence).
- Evidence that your lawyer did not present that could have proven your innocent.

Note: The above list is not a complete list of examples and this type of evidence does not necessarily demonstrate actual innocence in every case. The list is included simply to provide some examples of evidence the jury did not hear which could, depending on the facts of your case, be used to demonstrate actual innocence or that you were wrongfully convicted.

IMPORTANT NOTIFICATIONS

Please initial each of the following statements to show that you have read it, you understand it, and you accept it. Do NOT initial any statement you don't understand or that is untrue or inaccurate or you do not accept. By submitting the Application, I certify the following:

- The Conviction Integrity Unit is a division of the Gwinnett County District Attorney's Office. They are not defense lawyers. They cannot provide me legal advice.**

- I understand I am providing information to a prosecutor's office and that any statements here are provided, voluntarily knowing I am asking the prosecutor's office to review and investigate my claim.**

- I understand my statements on this Application can be used against me in court if I have lied or provided false information.**

- I understand there are criminal penalties for knowingly making false statements in this Application.**

- I am either not currently represented by an attorney or I am currently represented by an attorney but wish to submit this Application on my own after consulting with my attorney.**

- No one has promised me anything to fill out this Application.**

- I understand the Conviction Integrity Unit reviews cases based on its own standards and my case may or may not be reviewed or investigated.**

- I understand the Conviction Integrity Unit may contact any of the people or witnesses I have listed here to talk with them about my conviction.**

- The statements contained in this Application are true to the best of my knowledge.**

The following statements are **OPTIONAL**; you do not have to accept them for the CIU to begin reviewing your case:

- I give my attorney(s) and former attorney(s) permission to share information from their files with the CIU.**

- I give the Innocence Project or any other innocence organization permission to share information from their review of my case with the CIU.**

Print Name: _____ Signature: _____

Date: _____