

CONVICTION INTEGRITY UNIT(CIU) SUBMISSION FORM/REQUEST FOR REVIEW

NAME: _____

INMATE NUMBER: _____ DATE OF BIRTH: _____

SOCIAL SECURITY NUMBER: _____

CURRENT CORRECTIONAL INSTITUTION AND ADDRESS:

COUNTY OF CONVICTION: _____

ARRESTING POLICE DEPT.: _____

DATE OF CONVICTION: _____

COURT CASE DOCKET NUMBER: _____

Please return this application to:
DISTRICT ATTORNEY'S OFFICE
CONVICTION INTEGRITY UNIT
THREE SOUTH PENN SQUARE
PHILADELPHIA, PENNSYLVANIA 19107-3499

Please complete this submission form as fully as possible.
If you do not know the answer to a question, you may leave it blank.

WARNING: THE DISTRICT ATTORNEY'S OFFICE'S CANNOT PROVIDE YOU WITH INFORMATION AS TO WHEN THE REVIEW OF THIS SUBMISSION WILL BE COMPLETED. HOWEVER, DUE TO THE HIGH VOLUME OF REQUESTS, IT WILL BE SOME TIME BEFORE WE CAN REVIEW YOUR SUBMISSION. PLEASE READ THE CONSENT FORM CAREFULLY.

Agreement To Have CIU Review Your Case

(INITIAL EACH LINE AFTER READING)

1. I certify that all of the statements in this application are true and accurate. 1. _____
2. I acknowledge that providing false information will result in a rejection of my submission to the CIU. 2. _____
3. I understand that I have no right to a CIU review, and that there is no right of appeal from rejection by the CIU. 3. _____
4. I understand that the CIU is not my attorney. 4. _____
5. I am not currently represented by counsel on the case for which I am seeking review by the CIU. 5. _____

DATE: _____

SIGNATURE: _____

PRINT NAME: _____

| | |
|--|---|
| Commonwealth of Pennsylvania v. _____ | CIU Case #: _____ (internal/CIU use only) |
|--|---|

| | |
|------------------------|-----------------------|
| CP-51-CR-_____ - _____ | Convicted Offense(s): |
|------------------------|-----------------------|

Petitioner's name:

| | | |
|----------------|------|--|
| Date of Birth: | Age: | |
|----------------|------|--|

| | | |
|------------------|---------------------|--|
| Date of Offense: | Date of Sentencing: | |
|------------------|---------------------|--|

Are there open appeals/PCRA? If yes, please list:

The petitioner must agree to all of the following and indicate such agreement by initialing to the right of each statement.

| | |
|--|--|
| <ol style="list-style-type: none"> 1. I acknowledge that I have been convicted of the offense(s) noted above by the Commonwealth of Pennsylvania. 2. I believe that credible evidence of my innocence/wrongful conviction exists. 3. I am requesting that the Conviction Integrity Unit review my claim of actual innocence/wrongful conviction. 4. I am willing to cooperate with the Conviction Integrity Unit's investigation. 5. I understand the Conviction Integrity Unit may determine that my case does not meet their criteria and at any point reject my submission. 6. I understand that I have no right to appeal a rejection by the Conviction Integrity Unit of my submission/request for review. 7. I understand that sending this submission to the Conviction Integrity Unit will not extend the deadlines for any PCRA or appellate court claims. <p style="font-size: small; margin-top: 10px;">(The prosecutors in the CIU at the District Attorney's Office do not represent you and cannot offer you legal advice. A prosecutor cannot legally or ethically be your attorney. If you do not understand any of the above, you should consult an attorney immediately.)</p> | INITIALS OF PETITIONER 1. _____ 2. _____ 3. _____ 4. _____ 5. _____ 6. _____ 7. _____ |
|--|--|

ACKNOWLEDGMENT BY PETITIONER

I have read and understand all of the above statements. By initialing the statements and signing below, I understand and agree to comply with any terms herein. No one has told me to agree to anything that I oppose or do not understand. My agreements are of my own free will and are given voluntarily.

DATE: _____ NAME (PRINT): _____

SIGNATURE: _____

1. Are you currently incarcerated? Due to limited resources, we are only able to assist inmates who have been convicted and are serving a sentence.
 Yes No (STOP! We cannot assist you.)

2. Were you convicted in Philadelphia County? Due to our office's jurisdiction, we are only able to assist inmates who were convicted in Philadelphia County (state charges only. We cannot assist with federal charges).
 Yes No (STOP! We cannot assist you.)

3. What is your first language?

4. What is the highest grade you completed in school?

5. Is there any reason that corresponding in writing will be difficult for you?
 Yes (Please describe below) No

6. Have you ever received mental health treatment?
 Yes (Please describe below) No

7. Would you be willing to sign a release to allow us to review your medical records?
 Yes No (Please describe why not)

8. Were you employed at the time of your arrest? If so, please provide the name, address, and telephone number of your employer:
 Yes No

9. Please provide the names, addresses, and phone numbers of family and friends who might have information regarding your case. *By writing these names, you are giving us permission to talk to them about your case.*

10. Are you claiming **actual innocence**? Actual innocence means that you were not involved in ANY way (e.g., self-defense is not an actual innocence claim).

Yes

No

11. Are you claiming that you were wrongfully convicted, but not actually innocent? Wrongfully convicted but not actually innocent means that, although you had some involvement in the crime, the evidence used against you at trial was tainted in some way (e.g. the primary evidence against you was a confession that was obtained after using physical force) OR there was a constitutional violation of your right to a fair trial?

Yes

No

12. Are you claiming that you received a disproportionately and/or unfairly long sentence? (e.g. your co-defendant has been released and you are serving a life sentence or a de facto life sentence)?

Yes

No

13. Please list **ALL** the crimes (and the corresponding sentences) that you are **CURRENTLY** incarcerated for.

14. Please describe (in detail) your case the way the **prosecutors** presented it at the time of trial?

15. Please describe (in detail) the facts of your case the way **you** think the crime happened (e.g., was there a struggle, were any fluids discharged like semen, saliva, or blood, did the perpetrator touch several items at the crime scene)? Or, if you are stating that no crime happened, please explain (e.g. your child died because he/she was sick, not because of a criminal act).

16. Did you go to trial or plead guilty?

Trial

Pled guilty

17. Did you appeal your conviction(s)?

Yes

No

18. Besides your direct appeal, please list all other post-conviction motions and petitions filed in both state and federal court (for example, federal habeas corpus petition, motion for new trial, etc.). **DO NOT SEND COPIES UNTIL YOU ARE ASKED FOR THEM.**

19. Do you have any litigation regarding this case pending in court (criminal or civil)?

Yes (Please list all cases below)

No

20. Do you have copies of documents given to you by your trial attorney (e.g., police reports, discovery, bill of particulars, etc.)? If yes, please list below what you possess. **DO NOT SEND COPIES UNTIL YOU ARE ASKED FOR THEM.**

Yes

No

21. What was the name of the victim(s)?

22. Did you know the victim(s)? How did you know the victim(s)?

23. How did you become a suspect in the case?

24. Describe your arrest: where were you, when did it happen, and how did it happen?

25. Who were the investigating detectives on your case?

26. Did the police or investigating detective interview you BEFORE you were arrested?

Yes

No

How many times were you interviewed, and for how long?

27. Did the police or investigating detective interview you AFTER you were arrested?

Yes

No

How many times were you interviewed, and for how long?

28. Was any part of the interview(s) recorded or videotaped? If yes, do you have a copy of the interview?

Yes

No

29. Did you give a written statement?

Yes

No

30. If you gave a statement in any form, please explain why you decided to give a statement, and briefly describe what you told the police.

31. Was any victim or witness asked to identify you prior to trial with a line-up or photos? If so, please describe who identified you and how.

Yes

No

32. Do you know of anyone who was asked to identify you but could not? If so, who, when, and where?

Yes

No

33. Did any eyewitnesses testify, either for you or against you? [An eyewitness is someone who claims he or she actually saw the crime being committed.] If so, please list their names and any information you have about how to contact them.

Yes

No

34. Did you have any co-defendants? Please list all of your co-defendants and any information you have about how to contact them, including their prison number (if known). Did they plead guilty or go to trial? Did any of your co-defendant(s) testify against you?

Yes

No

35. Did you testify on your own behalf? If not, why not?

Yes

No

36. Did any of the victims testify? If so, which one(s)?

Yes

No

37. Did any experts testify during the trial? If so, who and what did they say?

Yes

No

38. Did any police informants or snitches testify against you at your trial? If so, who testified and what did they say?

Yes

No

39. Did anyone testify that you confessed to, or admitted being involved in, the crime?

Yes (Please describe below) No

40. Did anybody testify against you in exchange for a promise of leniency in his or her own case?

Yes (Please describe below) No

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

Yes (Please describe below) No

42. Who else testified for the **prosecution** at your trial?

43. Who testified for the **defense** at your trial?

44. Do you have an alibi that proves you could not have committed the crime?

Yes (Please describe below) No

45. Did you attempt to prove your alibi at trial? If so, how? If not, why not? Did you discuss your alibi with your attorney? If not, why not?

Yes No

46. Did the prosecution use any of the following against you to convict you?

If you check one of the boxes, please explain below.

- | | |
|--|---|
| <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 or carpet analysis |
| <input type="checkbox"/> Gunshot residue (GSR) | <input type="checkbox"/> Bullet/Ballistic comparison |
| <input type="checkbox"/> Fingerprints | <input type="checkbox"/> DNA |

47. Please describe the defense that you or your attorney raised at trial. (For example, if you were convicted of rape, did you assert that the sex was consensual, or that you were wrongfully identified? Or, if you were convicted of murder, did you argue self-defense, present an alibi, or raise some other defense?)

48. Was any physical and/or biological evidence recovered during the investigation of your case? [Examples of this type of evidence are blood, hair, clothing, weapons, etc.] If so, please describe it.

Yes

No

48a. If applicable, was a rape kit obtained from the alleged victim?

Yes

No

48b. Did you ever see or hear about a report of the test results? If so, what did it say? If you have the DNA report, **please send a copy along with this application.**

Yes (Please describe below) No

48c. Were the results used at trial?

Yes (Please describe below) No

48d. Do you know what lab or individual conducted the test?

Yes (Please name below) No

49. Is there new evidence in your case—or 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/wrongful conviction?

Some possible examples could include:

- 1) A DNA test that a lab could perform on the crime scene evidence which would conclusively prove that you did not commit the crime.
- 2) A DNA test which a lab could perform which would point to someone else having committed the crime.
- 3) 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 that person actually committed the crime.
- 4) 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.
- 5) 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.
- 6) Other new science other than DNA, such 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).
- 7) Evidence that your lawyer did not present that could have proven you innocent.

****Note:** The above list is not a complete list of examples and this type of evidence does not necessarily demonstrate actual innocence/wrongful conviction 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.

Having read the examples of “new evidence,” please answer question 49 describing the new evidence in your case:

(If you are writing to the CIU claiming you are wrongfully convicted, but not actually innocent OR received a disproportionately and/or unfairly long sentence, please explain if there is new evidence supporting these claims, e.g. evidence of an officer’s misconduct has come to light through another case or a new witness has come forward that demonstrates you are guilty of murder of the third degree rather than the second degree)

50. Do you know who committed the crime(s) of which you were convicted? If yes, please name them below and provide that person’s whereabouts (if known).

Yes

No

51. How do you know that this person is committed the crime?

52. Please tell us anything else you would like us to know that could help us prove your innocence. Use additional sheets of paper if necessary.

Signature of inmate: _____

Date: _____