



Conviction Integrity Unit

Chatham County District Attorney's Office



Conviction Review Consent Form and Application

FORM INSTRUCTIONS

You must complete the Consent Form and Application to have the Chatham County District Attorney's Office Conviction Integrity Unit ("CIU") review your case. Please answer as many of the following questions as you can. You can use the extra pages at the end if you need more space to answer any question; just make sure to say which question you are answering. If you do not know the answer to a question, you may leave it blank.

We are not your attorneys and cannot give you legal advice. Although our office can make a recommendation to a judge about a conviction, the Chatham County District Attorney does not have the power to overturn a conviction or reduce a sentence. Only a court can vacate a conviction, and only the Georgia State Board of Pardons and Paroles can shorten your sentence.

After completing this form, you can email it to us at CIU@chathamcounty.org or send through regular mail to:

Conviction Integrity Unit
Chatham County District Attorney's Office
133 Montgomery Street, Suite #600
Savannah, Georgia 31401

Where we use "applicant", "you" or "your", we are asking for information about the person applying to have a case reviewed. If the person completing this petition is not the petitioner, please indicate that and complete the section.

Do not send any documents along with this application. If we need additional information, we will let you know. At this point, sending any additional materials will only slow down our review, and any documents you send become part of our file which means it could be subject to a right to know request.

After we get this form back, we will start reviewing your case to see whether there is some evident injustice, and whether that injustice can be corrected through the courts. We can't tell you how long it will take to complete our review; there are many factors that could make it longer or shorter. If we determine your case is not one we can accept, we will let you know as quickly as possible. If we accept your case for investigation and you are represented by counsel, we'll work with your attorney to conduct a thorough investigation of your case.

ELIGIBILITY

- The applicant must have been convicted of a felony and prosecuted by the Chatham County District Attorney's office. The CIU can only review convictions from Chatham County, Georgia.
- The direct appeal in your case has become final, the final order has been issued, and there is no pending appeals litigation.
- The applicant must assert actual innocence – meaning the applicant was convicted of a crime they did not commit and in which they played no role.

Please keep in mind the following:

- The CIU is not reviewing issues of improper or unjust sentencing.
- The CIU does not review convictions where innocence is based on a legal defense (for example, self-defense, consent versus rape, or lack of intent) or information/evidence that were previously considered and litigated before the original finder of fact (jury or judge).
- The CIU only reviews convictions where the convicted individual is living.

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 Chatham County District Attorney Conviction Integrity Unit does not mean they accept my case for investigation and does not mean they accept my claim of innocence.**

NOTICE: THE DISTRICT ATTORNEY'S OFFICE CANNOT RESPOND TO REQUESTS FOR PROGRESS UPDATES AND WILL ONLY COMMUNICATE DIRECTLY WITH THE APPLICANT OR THE APPLICANT'S COUNSEL. DUE TO THE HIGH VOLUME OF REQUESTS, IT MAY BE SOME TIME BEFORE YOUR SUBMISSION CAN BE REVIEWED.

PLEASE READ THE FOLLOWING CONSENT FORM CAREFULLY. YOU MUST INITIAL EACH STATEMENT AND SIGN THE FORM FOR OUR UNIT TO REVIEW YOUR CASE.

CONSENT FORM AGREEING TO HAVE THE CONVICTION INTEGRITY UNIT ("CIU") REVIEW YOUR CASE

Please initial each of the following statements to show that you have read it and you understand it. Do not initial any statement you don't understand or that is untrue or inaccurate.

I understand the Conviction Integrity Unit is part of the Office of the Chatham County District Attorney.

I understand the lawyers in the unit are not defense lawyers. They investigate innocence claims; they do not provide legal advice to people asserting innocence claims.

I understand I am providing information about my case to a prosecutor's office.

I understand my statements to the CIU can be used against me in court.

I understand the information I provide may be subject to the Open Records Act once my file is closed.

I understand there are criminal penalties for knowingly making false statements in official documents.

I am not currently represented by an attorney

-or-

I am currently represented by an attorney but wish to submit a request for review on my own after consulting with my attorney.

No-one has promised me anything to fill out and submit information to CIU.

I understand the Conviction Integrity Unit is under no legal obligation to review my case and may not be able to review my case or resolve my claim.

I understand the Conviction Integrity Unit may contact any of the people I provide to talk with them about my conviction and the facts of the case.

I submit information to CIU voluntarily knowing I am asking the prosecutor's office to review and investigate my claim of innocence or unjust sentence.

The statements I provide CIU are true to the best of my knowledge.

Printed Name

Signature

Date

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OPTIONAL AUTHORIZATION TO ALLOW PAST OR PRESENT LAWYERS TO PROVIDE OTHERWISE CONFIDENTIAL OR PRIVILEGED INFORMATION AND DOCUMENTS TO CIU

You have requested the Conviction Integrity Unit (CIU) to investigate your claim of innocence. To conduct a thorough investigation, members of the CIU may want to talk to the attorneys who represented you at trial, on appeal, or in post-conviction proceedings in the case you have asked us to review. CIU staff may also want to review your past attorneys' files and the files of any attorney or innocence organization currently representing you or with whom you're working.

You should understand your attorneys are required by law to keep confidential any information they learned about your case from representing you - including the contents of their files. They cannot share their knowledge of your case or their files with CIU without your permission. You can choose to allow your attorneys to share this information if you want to. **You are not required to authorize your attorneys to provide information for the CIU to continue its investigation and review of your case. CIU can still move forward if you do not consent to our staff contacting your past attorneys.**

Also, any communication between you and your attorneys - letters, conversations, messages, and so on - about the case is considered a privileged communication the attorney cannot reveal to CIU without your permission.

You may not know all the information your former or present attorneys have in their files; they may have information linking you or people you know to a crime. You must decide if you will permit your past and any current attorneys to share what they know about the case, their communications to you and from you, and their case files with CIU staff. In making that decision, you may want to consult with a lawyer who is not part of the CIU.

You should also understand that CIU staff may begin reviewing your case even if you decide not to share confidential information or files with the CIU. By petitioning the CIU to review your conviction you have not waived any rights or consented to any privileged information being turned over to the CIU.

At some point, however, CIU staff may advise you that our investigation cannot be completed and a decision cannot be made on your claim without speaking with your past attorneys and/or reviewing their case files. At that point, you will need to decide if you are willing to waive your rights and to give your past lawyers permission to share their information, case files, and communications with you to the CIU.

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Please initial one of the following set of statements to tell us your willingness or unwillingness at this time to have CIU contact your attorneys:

AGREEMENT TO AUTHORIZE ATTORNEYS TO SHARE INFORMATION

____ I have read and understand the information provided in the *Optional Authorization to Allow Past or Present Lawyers to Provide Otherwise Confidential or Privileged Information and Documents to CIU*.

____ I understand that my past attorneys have information, privileged communications, and files they are not free to share with a prosecutor or anyone else without my permission. I have consulted with a lawyer about these issues or have decided I do not need to do so.

____ I give each and every one of my past lawyers in State of Georgia v. _____, Chatham County Superior Court Indictment No. _____, permission to share with the CIU whatever information, communications, or documents they have in their possession concerning their representation of me in the case as they deem appropriate.

-OR-

NON-AGREEMENT TO AUTHORIZE ATTORNEYS TO SHARE INFORMATION

____ I have read and understand the information provided in the *Optional Authorization to Allow Past or Present Lawyers to Provide Otherwise Confidential or Privileged Information and Documents to CIU*.

____ I do not give permission to my former attorneys to share information, communications, or files with the CIU at this time.

Optional Authorization; you do not have to accept the following statement in order for the CIU to begin reviewing your case; please leave blank if your case has not been reviewed by any innocence organization:

____ I give the Georgia Innocence Project or any other innocence organization/project permission to share information from their review of my case with the CIU. (Please identify innocence organization or project if not Georgia Innocence Project): _____

-OR-

____ I do not give the Georgia Innocence Project or any other innocence organization/project permission to share information from their review of my case with the CIU. (Please identify innocence organization or project if not Georgia Innocence Project): _____

Printed Name

Signature

Date

APPLICATION REQUESTING REVIEW

Applicant Information

Name (as it appeared on the court papers in the case):		Date of Birth:
Are you a U.S. Citizen? <input type="checkbox"/> Yes <input type="checkbox"/> No <i>The answer to this question will NOT affect whether your case is considered. It is to know whether there may be an immigration hold.</i>		
Highest School Grade Completed:	Is English your primary language? <input type="checkbox"/> Yes <input type="checkbox"/> No If not, what is your primary language?	
Is there any reason that corresponding in writing will be difficult for you? <input type="checkbox"/> Yes <input type="checkbox"/> No If "yes," please explain:		
Address or Institutional Assignment:		
GDC Number (if incarcerated within GDC):		
Phone Number (if available):	Email (if available):	
Are you presently represented by an attorney? <input type="checkbox"/> Yes <input type="checkbox"/> No		
Attorney's Contact Information Name: Phone: Email: If you are currently represented by an attorney, the CIU will only communicate with your attorney. You should consult with your attorney prior to submitting your Application.		
Is someone reading this form to you? <input type="checkbox"/> Yes <input type="checkbox"/> No		
Is someone writing on this form for you? <input type="checkbox"/> Yes <input type="checkbox"/> No		
Contact Information for the individual completing the form if it's not the applicant: Name: Phone: Email: Address: Nature of Relationship (parent, wife, friend, etc.): <i>Persons who are not attorneys and who submit claims with the CIU on behalf of a convicted defendant will be asked to provide a letter, signed by that defendant, which authorizes the person to file the claim and to receive information from the CIU.</i>		

Arrest/Conviction Information

Were you convicted in Chatham County, GA? Yes No

(Due to our office's jurisdiction, we can only proceed with Chatham County, GA cases)

Please check the box for every statement that is true.

Check as many boxes as you need. If none apply, check the box that says "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 of, 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.

When did the crime occur?

When were you arrested?

Arresting Police Dept.:

Please check the box for every statement that is true.

Check as many boxes as you need. If none apply, check the box that says "None of the above statements apply to me."

- Police said I confessed to them, but I did not.
- Police said I confessed to them, but my statement was coerced.
- The statement was not mine and I just signed it.
- I was a juvenile at the time police interrogated me.
- In the interrogation, police lied to me about evidence.
- In the interrogation, police tricked me to get me to confess.
- At the time of the interrogation, I was under the influence/not on my medication.
- The interrogation lasted for several hours.
- I was not allowed to sleep/eat/get my medication during the interrogation.
- None of the above statements apply to me.

If you provided a statement to police, how was your statement taken? (indicate any that apply)

Tape Recorded Videotaped Written

Indicate the offense[s] for which you were convicted and the sentence[s] imposed.

Court Case Number:

When were you convicted?

When were you sentenced?

If you were convicted of multiple counts, are you asserting that you are innocent of all those charges?

Yes No

If no, please list the charges (or counts) for which you are innocent.

How were you convicted? Entered a guilty or no contest plea A judge or jury found me guilty

If your case involved co-defendants, please provide their name(s), relation to you, and contact information:

Length of Sentence:

Time Already Served:

Time Remaining to Serve:

Please briefly explain the prosecution's theory of the case. What does the prosecution claim happened?

Please briefly provide your version of events concerning the crime(s) for which you were arrested and convicted.

Please briefly describe the defense that your attorney raised at trial.

Appeals and Post-Conviction Information

Do you have any active appeals or post-conviction motions pending in any court? <input type="checkbox"/> Yes <input type="checkbox"/> No
If yes, please provide the case number:
If yes, what court is it in: <input type="checkbox"/> Trial Court <input type="checkbox"/> Georgia Court of Appeal <input type="checkbox"/> Georgia Supreme Court <input type="checkbox"/> Federal District Court <input type="checkbox"/> Eleventh Circuit Court of Appeals <input type="checkbox"/> US Supreme Court
Have you filed any post-conviction motions before in this case? <input type="checkbox"/> Yes <input type="checkbox"/> No
Please provide information about the motions (for example: which court was it filed in; what were they; were they granted or denied, and why?):
Have there been any habeas (writ of habeas corpus) proceedings? <input type="checkbox"/> Yes <input type="checkbox"/> No
If "yes," in which court? <input type="checkbox"/> State <input type="checkbox"/> Federal

Evidence

Does your case involve any of the following: <i>(Check any that apply)</i>
DNA (i.e. blood, body fluids) <input type="checkbox"/> Fingerprints <input type="checkbox"/> Ballistics <input type="checkbox"/> Lie Detectors <input type="checkbox"/> Fire <input type="checkbox"/> Foot/Tire Marks <input type="checkbox"/> Hair Comparison <input type="checkbox"/> Bitemark <input type="checkbox"/> Fiber/Thread <input type="checkbox"/> Confession <input type="checkbox"/> Eyewitness ID <input type="checkbox"/> Video Footage <input type="checkbox"/>
Other <input type="checkbox"/> <i>(please explain)</i>
Was the evidence used by: <i>(Check any that apply)</i> <input type="checkbox"/> State <input type="checkbox"/> Defense
Please provide a brief explanation of how the evidence was used in your case.
Have you filed a motion for DNA testing under Georgia law? <input type="checkbox"/> Yes <input type="checkbox"/> No Was the motion granted? <input type="checkbox"/> Yes <input type="checkbox"/> No Was testing done? <input type="checkbox"/> Yes <input type="checkbox"/> No

If your case involved eyewitness testimony against you, did it involve any of the following?

Check as many boxes as you need. If none apply, check the box that says "None of the above statements apply to me."

- An eyewitness or victim didn't know me but identified me as committing the crime and got it wrong
- An eyewitness or victim identified me from a show-up or confrontation.
- An eyewitness or victim identified me from a photo array or photo lineup.
- An eyewitness or victim identified me from a live lineup.
- An eyewitness or victim identified me for the first time in court.
- None of the above statements apply to me.

Please check the 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.
Briefly explain: _____

- A witness/informant who testified against me lied.
Briefly explain: _____

- A witness/informant who testified against me had a deal with the State I learned about after trial or entered my plea.
Briefly explain: _____

- I was not at the crime scene and have an alibi.
Briefly explain: _____

- There is new evidence that proves my innocence that wasn't available when I went to trial or entered my plea.
Briefly explain: _____

- 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: _____

- There was scientific testimony at my trial that was wrong or has been discredited.
Briefly explain: _____

- There is DNA in my case that was never tested.
Briefly explain: _____

- 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.

Please explain why you are innocent of this crime.

(For instance, if you were somewhere else when the crime happened, tell us where you were and what you were doing. If you don't think a crime really happened, please tell us why you believe that.)

Please explain what you were doing the day of the incident and how you came to be arrested.

Please list the names and phone numbers of witnesses or alibis, or any other person with relevant information, you think can provide information whom we should contact.

Do you know of anything new about your case you didn't know when you went to trial or pleaded guilty?

(Has a witness changed his story, or do you think they will? Has someone else confessed to the crime? Do you know about new evidence? Please include as many details as possible.)

Do you have information about who may have committed the crime?

Have you contacted the Georgia Innocence Project about your case? Yes No

If yes, are they currently investigating? Yes No

Have you contacted any other innocence organization/project about your case? Yes No

If yes, which organization(s) and when?

Is there anything else you would like the CIU to know about your case?

ADDITIONAL PAGES (1)

ADDITIONAL PAGES (2)

ADDITIONAL PAGES (3)