



Denver District Attorney's Office

APPLICATION FOR REVIEW OF ACTUAL INNOCENCE

INSTRUCTIONS

Either the defendant or the defendant's representing attorney may complete this form. If the defendant is currently represented by an attorney, the Conviction Review Unit staff will only communicate with that attorney.¹ The Denver District Attorney's Office cannot provide legal advice and does not represent applicants to the Conviction Review Unit ("CRU"). Any applicants completing this form are encouraged to consult with an attorney before submitting it.

Where "petitioner", "you" or "your" is indicated, the information needs to be about the person seeking to have his/her case reviewed by our office. If the person completing this petition is not the petitioner, please indicate that in the appropriate box below.

The CRU will only accept cases for review where the following apply:

1. You must have been convicted of a felony in the City and County of Denver.
2. You must present a plausible claim of actual innocence (for instance, you did not commit or participate in the crime charged).
3. The direct appeal has become final, the mandate (final order) has been issued.

Please keep in mind the following: The CRU does not review lawful sentences. The CRU does not review affirmative defenses, claims, or information/evidence that were previously considered and litigated before the original finder of fact (jury or judge). For example, we will not review cases of self-defense, or consent versus rape.

This document is eleven (11) pages. Please make sure all pages are complete. ***Do not send original documents or your only copy of any documents.*** Incomplete applications will not be accepted. Make sure to keep a copy of this application for your own files.

Once this form is complete, please email it to convictionreview@denverda.org or mail it to: 201 W. Colfax Ave., 8th Floor, Denver, CO 80202, Attn: Conviction Review Unit

¹ The Denver District Attorney's Office cannot provide legal advice. Please consult with an attorney if you need assistance or have any questions regarding anything contained in this application.



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PETITIONER INFORMATION

Your Name:	DOC Number:
Address:	Date of Birth:
Original Case Number(s)	Sentence:

Did the conviction happen in the City and County of Denver?

- Yes No

Are you currently serving your sentence from this conviction?

- Yes No

If yes, where is time being served:

- in prison on probation on parole

Is English your primary language Yes No

If not, what language do you normally speak? _____

Is someone reading this form to you? Yes No

Is someone completing this form for you? Yes No

If yes, who? _____



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Are you **currently** represented by a lawyer? Yes No

If yes:

Name of Attorney _____

Attorney contact information: _____

If no, are you interested in obtaining a court-appointed attorney?² Yes No

CASE INFORMATION

List all offenses you were charged with in this case:

List all offenses you were convicted of in this case:

Provide dates for the following:

Date the crime occurred:	<u>Month</u>	<u>Date</u>	<u>Year</u>
Date you were arrested:	<u>Month</u>	<u>Date</u>	<u>Year</u>
Date of sentencing:	<u>Month</u>	<u>Date</u>	<u>Year</u>

² Checking this box is only an expression of interest in an attorney. The CRU cannot guarantee that the court will appoint an attorney for you.



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List all the attorney(s) and contact information who have represented you at trial or on any appeal of the case in review:

	Attorney Name	Attorney Email	Attorney Phone Number
Trial			
Direct Appeal			
Post-Conviction			

Were you found guilty by:

a jury or judge **OR** a guilty plea

Name of the sentencing judge: _____

Are there any active appeals or post-conviction motions? Yes No

If yes, please provide the case number: _____

Were any post-conviction motions previously filed in this case? Yes No

If yes, please provide case number(s): _____

Has anyone contacted an innocence organization about your case? Yes No

If yes, which organization(s) and when?

If yes, are they currently investigating? Yes No



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For the following, check every box for every statement **that is true.**

Check as many boxes as needed. If none apply, check the box saying, "None of the above statements apply."

Innocence of crime:

- I did not commit any part(s) of the crime I was convicted of.
- I had no role in the crime(s) of which I was convicted.
- I did some, but not all, of the crimes in which I was convicted.
- I was not at the crime scene and have an alibi.
- None of the above statements apply.

DNA Evidence

- The DA used DNA evidence against me.
- The defense used DNA evidence at trial.
- Post-conviction DNA testing has occurred.
- None of the above statements apply.

Other Scientific Evidence

- The DA said I hurt or killed a baby by shaking the baby.
- The DA said I intentionally started a fire.
- The DA used bite mark evidence (teeth marks) against me.
- The DA used hair comparison evidence against me.
- The DA used other scientific testimony that was wrong or has been discredited.
- 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.
- None of the above statements apply.



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Witness/Confession Evidence

- Police said you confessed but you did not.
- Police said you confessed, but any statement(s) was/were coerced.
- A witness said you confessed to them, but you did not.
- An eyewitness or victim didn't know you but identified you as committing the crime and got it wrong.
 - If this box is checked, which of the following fits how you were identified:
 - An eyewitness or victim identified you from a show-up or confrontation at or near the time of the crime.
 - An eyewitness or victim identified you from a photo array or photo lineup.
 - An eyewitness or victim identified you from a live lineup.
 - An eyewitness or victim identified you for the first time in court.
- A witness or informant who testified lied.
- A witness or informant who testified had a deal with the State.
- None of the above statements apply.

Defenses

- The defense at trial was self-defense.
- The defense at trial was consent.
- None of the above statements apply.



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New Evidence or Evidence that Shows Innocence

- A witness/informant who testified against you has recanted or changed their testimony.
 - If you checked this box, identify which witness has recanted or changed their testimony and how:

- There is new evidence that proves your innocence that wasn't available at the time of trial or when you pleaded guilty.
 - If you checked this box, briefly explain what evidence wasn't previously available:

- The officer who arrested you or testified against you was arrested or has a sustained finding of dishonesty or bias.

Name of officer and badge number:

- There is DNA evidence available that has never been tested.



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There is new scientific evidence that could prove my innocence.

➤ If you checked this box briefly explain the new scientific evidence:

I have information about who may have committed the crime.

➤ If you checked this box, briefly explain who committed the crime and how you learned about it:

None of the above statements apply.



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Please explain why you are innocent of this crime. If you need more space, use a separate piece of paper.

(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.)



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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 their 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.)



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REQUIRED ACKNOWLEDGMENTS

Please initial each statement indicating you accept and understand each statement.

- The Conviction Review Unit is a program of the Denver District Attorney's Office. The lawyers are not defense lawyers. They do not provide legal advice.**
- I understand I am providing information to a prosecutor's office and that any statements here are provided voluntarily and without coercion by anyone.**
- I understand my statements on this application can be used against me.**
- I am not currently represented by an attorney, or I am currently represented by an attorney but wish to submit this application after consulting with my lawyer.**
- No one has promised me anything in exchange for completing this application.**
- I understand the Conviction Review Unit reviews cases based on its own standards and my case may or may not be reviewed or investigated.**
- I understand the Conviction Review Unit may contact any of the people or witnesses I have listed here to speak with them about my conviction.**

The following statements are **optional**; you do not have to accept them for the CRU to review your case:

- I give my attorneys and former attorneys permission to share information from their files with the CRU.**
- I give the Korey Wise Innocence Project or any other innocence organization permission to share information from their review of my case with the CRU.**
- I give the Denver District Attorney's Office permission to access any information obtained through the Justice Review Project I and/or II.**

Printed Name

Signature

Date