

**FRANKLIN COUNTY PROSECUTOR'S OFFICE (FCPO)
CONVICTION INTEGRITY UNIT'S APPLICATION FOR REVIEW OF
ALLEGED WRONGFUL CONVICTION**

To make a claim that you have been wrongfully convicted of a violent felony in Franklin County Common Pleas Court, complete this application and Limited Waiver and Agreement Form and send them together with all relevant documents to: Franklin County Prosecutor's Office, ATTENTION: Conviction Integrity Unit, 373 South High Street, 15th Floor, Columbus, Ohio 43215.

In order to qualify for an initial evaluation of your application, the following criteria must be met:

In order for the Conviction Integrity Unit to conduct a preliminary review of a conviction, the applicant making a claim of actual innocence must meet the following requirements:

- The conviction must have been for a violent felony offense in the Franklin County Common Pleas Court; the CIU may prioritize cases for review based upon the incarceration status of the applicant and the nature of the convicted crimes.
 - The Applicant must currently be a living person presenting his or her claim of actual innocence personally or through an approved referral source;
 - There must be a claim of actual innocence;
 - Credible and verifiable evidence of actual innocence must exist;
 - Sufficient facts must exist that are reviewable by the CIU in support of actual innocence of the applicant to warrant or justify initiating or continuing an investigation;
 - The claim must not be frivolous.
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The following questions must be answered. You may use additional paper if necessary:

Applicant's Name: _____

Other Names Applicant has used: _____

Name of Counsel for (if applicable): _____

Address/Email/Phone No. of Legal Counsel:

Name of Referral Source (other than legal counsel):

Address/Email/Phone No. of Referral Source _____

Applicant's Address: _____

Inmate Number (if applicable): _____

Applicant's Telephone No. (if applicable): _____

Case Number(s): _____

Were you convicted in Franklin County? ____ Yes ____ No

Year convicted/sentenced: _____

If convicted of multiple felony counts are you asserting that you are innocent of all counts?
____ Yes ____ No

Conviction entered as a result of :

____ Guilty plea ____ Alford plea ____ Jury Trial ____ Bench Trial

List any co-defendants charged in the case:

What is the crime(s) for which you - the Applicant -- were convicted?

Did the prosecution use any of the following evidence at trial to convict you?

____ Bite marks	____ Hair comparison
____ Arson science	____ Fiber analysis
____ Gunshot residue	____ Bullet/ballistic analysis
____ Fingerprints	____ DNA
____ Shoe print analysis	____ Blood typing

Have you or someone on your behalf conducted investigations into this case? ____ Yes ____ No

If yes, provide the name and contact information of the individual or organization who completed the investigation

Explain in as much detail as possible why your conviction(s) should be vacated.
(You may use additional paper if needed).

If you have obtained evidence that you believe to be newly discovered. explain what the new evidence is, (including, but not limited to, documents, testimony, photographs, audio and/or video recordings) and how the new evidence supports your claim.

Explain how, when, and by whom the new evidence was obtained.

Explain how any scientific testing that took place that supports your claim or how any scientific testing you are now requesting could support your claim.
(You may use additional paper if needed).

Explain how the CIU may further investigate your claim, including but not limited to:
(You may use additional paper if needed).

- the name(s) and current address(es) of witnesses who are relevant to your claim:
- whether or not you or your representative has had any contact with the witness(es) and the content of that contact:
- the person with possession of any additional evidence, or the location of where any additional evidence may be obtained.

Are you including documentation with this application? If so, list the types of documentation provided. Please remember that the CIU will not return items to you after the investigation is complete. Please **do not** provide originals of any supporting documentation.

Has this conviction been appealed? If so, what was the result. _____

Are there any post-conviction actions/motions pending in this case? _____

Date of Application: _____

ALL APPLICANTS MUST READ THE FOLLOWING VERY CAREFULLY:

1. Any person convicted of a violent felony offense in the Franklin County Court of Common Pleas is eligible to submit a claim that he/she was wrongfully convicted to the CIU.
2. A person with a wrongful conviction claim must submit a fully completed Application and fully completed Waiver and Agreement Form. The Waiver and Agreement Form must be notarized. Both the Application and the Waiver and Agreement Form must be signed by the Applicant, but the forms may be submitted to the CIU by the Applicant, Applicant's legal counsel, or other approved Referral Source. In addition to the Applicant himself or herself, approved Referral Sources for CIU review are as follows:
 - Volunteer, retained or appointed legal counsel;
 - Chief Counsel of the FCPO Appeals Unit; The Prosecutor; or any assistant prosecutor with the approval of the First Assistant of the Criminal Division
 - Public Defender;
 - Law Enforcement;
 - Court Personnel and;
 - Innocence Project/third party non-profit and/or law school organizations involved with the investigation of alleged wrongful conviction.
3. The CIU accepts cases for review for the sole purpose of investigating alleged wrongful convictions. The CIU will conduct an initial evaluation to determine if initial requirements are met. If initial requirements are met, a full investigation MAY be conducted, at the discretion of the Franklin County Prosecutor. The decision to conduct an initial evaluation and/or to conduct a full investigation does not mean that a claim has merit.
4. If the CIU conducts a full investigation and/or agrees to allow DNA or other testing, it does not mean that the CIU and/or the Prosecutor will agree with you or your legal counsel regarding the significance of the test results involved with your application or with the ultimate outcome of the investigation.
5. Applications requesting the vacating of a conviction(s) shall be accepted for review by the CIU after exhaustion of all available state and federal statutory and other post-conviction relief. If there is any pending appeal, post-conviction motion, or other post-conviction litigation, the CIU Director will advise the applicant that their application will either be (1) rejected or to be held in abeyance until the conclusion of the post-conviction litigation, or (2) proceed forward with CIU review, provided that the applicant agrees to an extension and/or stay of the pending post-conviction litigation.
6. Because of the many remedies that are available through statutory or other means, the

following types of applications must go through the normal post-conviction process before they will be considered:

- applications based on legal issues that were previously raised and/or could have been raised at trial or after conviction; or
 - applications that conflict with a legal theory presented at trial or in a post-conviction pleading.
7. Wrongful conviction claims by individuals who have pled guilty may be evaluated, but only in rare circumstances will be approved for review since there is a presumption that a guilty plea was made knowingly, intelligently and voluntarily and with the assistance of counsel.
 8. Cases with pending appeals or any other motions filed after conviction will not typically be accepted. If there is any pending appeal, post-conviction motion, or other post-conviction litigation, the CIU Director will advise the applicant that their application will either be (1) rejected or to be held in abeyance until the conclusion of the post-conviction litigation, or (2) proceed forward with CIU review, provided that the applicant agrees to an extension and/or stay of the pending post-conviction litigation.
 9. Expunged or sealed cases will not be reviewed. If the applicant's case is eligible for record sealing or record expungement, the Applicant must have applied and been rejected before the CIU will consider reviewing the case. Pardoned cases or cases in which a sentence was commuted will not be reviewed. If an application for a pardon or for clemency is pending, a decision must be rendered on the application before the CIU will consider reviewing the case.
 10. The CIU has the right to terminate the application process of any Applicant who fails to fully cooperate with the CIU, fails to tell the truth during this process, or fails to abide by the terms for submission, initial evaluation, and/or full investigation of a claim. If an Applicant does not fully cooperate, tell the truth, or abide by the terms of this process, the CIU may terminate the application. Termination for these reasons may result in rejection of a re-submission based on the same claim.
 11. Attorneys for Applicants who fail to abide by the terms of the CIU process or otherwise act in bad faith may be prohibited from participation in any review of an application.
 12. Applicants may at any time voluntarily revoke participation in the CIU process by advising the CIU in writing. Re-application of a claim is necessary after voluntary termination.
 13. The CIU and/or Franklin County Prosecutor's Office do not act as legal counsel to any person or Applicant during this process.
 14. The Prosecutor's decision on an Applicant's claim is FINAL and not subject to further review or appeal to any court.

**FRANKLIN COUNTY PROSECUTOR'S OFFICE'S CONVICTION
INTEGRITY UNIT'S LIMITED WAIVER AND AGREEMENT**

STATE OF OHIO

Common Pleas Court
Franklin County, Ohio

Case No. _____

State of Ohio v. _____

By completing this form, the applicant requests that the Conviction Integrity Unit ("CIU") evaluate the Applicant's claim that he/she has been wrongfully convicted. The Applicant also hereby agrees to a limited waiver of rights and agrees to fully cooperate with the CIU and to the terms of the CIU's review process. THIS FORM MUST BE NOTARIZED.

Name of Applicant: _____

Applicant DOB: _____

Highest Education Completed: _____

Convicted Offense(s): _____

Date of Offense(s): _____

Date of Conviction: _____

Attorney at trial : _____

Current attorney name and address: _____

By placing initials next to each number below, the Applicant acknowledges that he/she has read, or has had read to him/her, the statements below and understands each.

**APPLICANT'S AGREEMENT AND CONSENT TO EVALUATION
AND/OR INVESTIGATION BY THE CIU AND, LIMITED WAIVER OF
PROCEDURAL RIGHTS**

AGREEMENT:

- _____ 1. I was convicted in Franklin County (Ohio) Common Pleas Court of a violent felony offense(s) listed above and assert that I have been wrongfully convicted of that crime(s).
- _____ 2. I consent to an initial evaluation of my application to determine if I have complied with all procedural requirements of the CIU and, if so, and if warranted by the CIU, consent to a full investigation into my claim that I was wrongfully convicted.
- _____ 3. I agree to fully cooperate with the CIU at all stages of this process.
- _____ 4. I agree to abide by all requirements of the CIU during the review process.
- _____ 5. I agree to tell the truth regarding all inquiries made by the CIU.
- _____ 6. I understand that if I refuse to cooperate in any way or become uncooperative with the CIU's review process, the review may be terminated.
- _____ 7. I understand that the CIU may determine that my case does not meet its criteria and may, at any point, reject my claim.
- _____ 8. I understand that all decisions by the Franklin County Prosecuting Attorney are final and I have no right to appeal a rejection of my claim.
- _____ 9. I understand that I may revoke my participation in the process at any time by advising the CIU in writing that I no longer wish to participate. I understand that if I terminate my participation for any reason, I must re-apply if I change my mind.
- _____ 10. I further understand that:
- _____ • The CIU may provide to appropriate law enforcement authorities any evidence, materials, or information acquired and/or discovered by the CIU, including any scientific test results, that tends to show that others may have been involved in the crime(s) for which I was convicted;
 - _____ • The CIU may refer to the appropriate law enforcement authorities any evidence, materials or information acquired and/or discovered by the CIU,

including any scientific test results, that tends to show that I or others may have committed any other criminal act(s) that are uncovered during the CIU's review of my application;

- _____ • The FCPO shall have access to investigation materials, information, recommendations, reports, and test results that arise out of any CIU activity.

LIMITED WAIVER OF PROCEDURAL RIGHTS

- _____ 1. I agree to waive my right against self-incrimination pursuant to the Fifth Amendment of the United States Constitution and Article I, Section 10 of the Ohio Constitution as it relates ONLY to this application and the cases/convictions being reviewed by the CIU.
- _____ 2. I waive my attorney-client privilege for any attorney who has represented me in the past on this case, or who is presently representing me in connection with this application. I fully understand that this waiver and consent allows the CIU to speak with me directly and to speak with any attorneys who represented me in the case being reviewed and my current attorney. It also allows the CIU to obtain a copy of my attorneys' files related to the case being reviewed.

CERTIFICATION BY APPLICANT

I have fully read this form or had it read to me. I completely understand all of the above. By initialing the statements above and by signing below, I agree that I have initialed and signed this document knowingly, intelligently, and of my own free will. There have been no promises or guarantees made to me by the CIU or anyone else regarding my case or the outcome of the CIU's review of my case.

Date: _____

Signature of Applicant: _____

Name of Applicant (Type or Print): _____

NOTARY

The foregoing was sworn to and subscribed before me this (day) of (month) by (applicant's name).

Signature of notary: _____

Printed name of notary: _____

Notary commission expiration: _____

CERTIFICATION BY ATTORNEY FOR APPLICANT

I hereby certify and attest that I have fully read, fully explained, and fully reviewed this Limited Waiver and Agreement Form to and with the Applicant I certify and attest that the Applicant has reviewed each statement and term and that his/her initials herein and signature are the result of applicant's independent review and understanding. I acknowledge that Applicant's review and execution of this Waiver and Agreement Form were made in my presence and with my legal assistance and legal advice. I further certify and attest that the applicant was in my presence as he/she provided his/her initials to the terms/statements and during the applicant's signature to this Waiver and Agreement Form and that the signature and initials herein are indeed that of the applicant.

Date: _____

Signature of Attorney for Applicant: _____

Name of Attorney for Applicant (Type or Print):

The original Limited Waiver and Agreement Form must be delivered to the Franklin County CIU with an original completed Application. Please retain a copy for your records.

The Prosecutor has the authority, at any time, to make changes to the CIU program and the application process.