



Michael T. Dougherty, District Attorney
Boulder County District Attorney's Office
Conviction Integrity Unit

Application for Conviction Review

INSTRUCTIONS

The Boulder County District Attorney's Office will review, upon written request, certain convictions that occurred in Boulder County. This application is considered a person's written request to have such a conviction reviewed.

The following form is required to initiate a case review by the Conviction Integrity Unit (CIU) of the Boulder County District Attorney's Office. Please answer as many of the following questions as you can. The additional pages at the end of this form may be used if more space is needed to answer any question, however please indicate which question you are answering from the above.

ADVISEMENT

The CIU is a peer review panel consisting of individuals from the defense bar, the Colorado Public Defender's Office, University of Colorado Law School, Alternative Defense Counsel, and Boulder County District Attorney's Office that are volunteering their time to the panel at the request of the Boulder County District Attorney. Please understand that neither the CIU, nor anyone sitting on the CIU are acting as your attorney, or providing you with legal advice. Furthermore, any information provided to CIU is not confidential. It may be provided to law enforcement, and may be used against you.

IMPLICATION OF RIGHTS

If CIU engages in a review of your conviction, it is likely CIU may request additional information from the applicant and/or the convicted person. It also is possible that CIU will request information from others identified as having relevant information, including any attorney who participated in the proceedings that led to the underlying conviction.

This form is not intended to convey legal advice. Nevertheless, any person who completes and submits this form should recognize that he or she has the right not to provide information to an agency of government about a criminal matter. By submitting this form you acknowledge that any information you provide in this form is given voluntarily and that no promise or inducement has been conveyed to you, you are providing information of your own free will.

Similarly, you acknowledge that in certain situations, CIU may request that you authorize the attorney who represented you in the criminal case to discuss with CIU the events that led to the conviction under review. CIU will not contact your lawyer unless you give written permission for such contact and CIU cannot require that your lawyer speak about your case without your permission.

ELIGIBILITY

In order for your application to be reviewed by the CIU, the following must apply;

1. The conviction must have been in Boulder County,
2. The petitioner must be a living person,
3. There must be a claim of actual innocence.
4. Credible evidence of innocence must exist, and,
5. The claim must not be frivolous.

Credible evidence generally means evidence which is not speculative but which has a basis in fact which can be investigated. The evidence must be material as to the determination of actual innocence, meaning if true and accurate it could affect the outcome of the innocence determination. Credible evidence must be evidence not fully considered by the trial jury or the parties at the time of the guilty plea.

Claims involving self-defense or defense of others will not be considered by the CIU at this time.

The credible evidence must provide a substantial basis to believe that the defendant is actually innocent, which generally means that the evidence exonerates the defendant from any criminal responsibility for the offense. The CIU will not consider cases based solely on a request that a lawful sentence be amended or reconsidered.

Particular attention will be given to newly discovered evidence or evidence supporting wrongful conviction due to issues concerning forensic science, misidentification, misconduct or Brady/discovery violations, jail/confidential informant, alibi and witness recantation.

The applicant and/or the convicted person must fully and openly cooperate with the CIU consistent with the implication of rights and waiver and consent form. If you have an attorney, all communication must be made through the attorney, unless an express signed waiver by that lawyer is completed.

If you are represented by counsel, this form must be submitted in consultation with your attorney.

Before you prepare this form, please be sure that you are eligible for review by the CIU. The Conviction Integrity Unit only will accept requests for review that meet all of the above eligibility criteria.

SUBMISSION OF APPLICATION

Once completed, mail this application and copies (but not originals) of any documents or materials you believe are necessary to conduct a review of your case to:

Office of the District Attorney, Twentieth Judicial District
Conviction Integrity Unit
1777 6th Street
Boulder, CO 80302

Or email the completed application and attached documents to CIU@bouldercounty.org

Once we receive the completed form, a review of your case will be initiated to determine whether there is some evident injustice that may be corrected by the procedures available for post-conviction relief. The length of time that this review may take cannot be predicted and will depend on factors such as the type of offense you were convicted of, the nature of your claims, the age of your case, and the availability of case materials and witnesses.

FOR CONVICTED APPLICANTS WITH LEGAL COUNSEL

Is the applicant the convicted person seeking to have their case reviewed?

Yes No

Is the convicted person represented by an attorney in this case in any capacity?

Yes No

If the answer to either question above is “no,” please continue onto the next section.

If the answer to both questions above is “yes,” the applicant must submit this application in consultation with their attorney unless that attorney has filled out the following waiver allowing the Boulder County District Attorney’s Office Conviction Integrity Unit to communicate directly with the convicted person:

I, _____, do hereby expressly grant the Boulder County District Attorney’s Office Conviction Integrity Unit, and any of its members, investigators or agents, permission to communicate directly with my client _____ regarding the application and investigation into his/her claim of innocence in case # _____. I hereby attest that I have discussed this with my client and they knowingly and voluntarily make this decision fully understanding all legal ramifications.

Attorney Signature _____ Attorney Bar # _____

Attorney name (print): _____

Date: _____

If this section is not completed the application will not be reviewed

FOR APPLICANTS OTHER THAN THE CONVICTED PERSON

1. Is this request being submitted by someone other than the convicted person?

Yes No

2. If yes, please state your relationship to the person convicted:

3. If this request is being prepared by a person other than the person convicted, have you obtained the written consent of the person convicted to file this request?

Yes No (If yes, please attach written consent to this application)

4. Please provide your name, address, phone number and email address so that we may contact you:

CASE INFORMATION

1. Convicted person's name:

2. Convicted person's date of birth:

3. Is the convicted person incarcerated?
Yes No
4. If presently incarcerated, please provide the following information:
 - a. Inmate Number:

 - b. Prison/Jail where incarcerated:

 - c. Address:

 - d. Boulder County Court Case Number:

 - e. Charge(s) for which you were convicted:

 - f. Charge(s) for which innocence is being claimed:

 - g. Date convicted:

 - h. Date sentenced:

 - i. Sentence received:

 - j. Expected release date:

5. How was the person convicted?
 - a. Jury Trial
 - b. Court Trial
 - c. Guilty Plea
 - d. No Contest Plea

PETITIONER WAIVER AND CONSENT FORM

(Completed by the convicted person)

The Petitioner must agree to all of the following and indicate such agreement by initialing at the beginning of each statement.

1. _____ I am requesting that CIU review my claim of actual innocence for my conviction(s) in this case.
2. _____ I believe that credible evidence of innocence or injustice exists.
3. _____ I consent to a formal inquiry of my case by the CIU.
4. _____ I agree to fully cooperate with the CIU's review.
5. _____ I agree to provide full disclosure regarding all inquiries made by the CIU.
6. _____ I understand and agree that the Boulder County District Attorney will—with input from the CIU—make any and all final decisions with regard to application.
7. _____ I understand and agree that the Boulder County District Attorney does not have to provide any explanation to me for any decisions that are made with regard to application.
8. _____ I understand and agree this is an extrajudicial process and there is no right of review or appeal of any decision by the District Attorney regarding my application to the CIU.
9. _____ I understand that the CIU is not my attorney and statements made above or to the CIU are not confidential and may be used against me in future criminal proceedings.
10. _____ I understand, as it relates only to my pending application and the associated case being reviewed by the CIU, I am waiving my right against self-incrimination pursuant to the Fifth Amendment of the United States Constitution and Colorado Constitution.
11. _____ I understand that a claim with the CIU will not extend any deadlines of any proceedings, including without limitation any appellate proceedings.
12. _____ I understand that the CIU may disclose to any authorities any evidence or information uncovered or learned by the CIU, including information that tends to show that other people may have been involved in the commission of the crime(s) for which I was convicted.
13. _____ I understand that the CIU will refer any and all evidence or information or any criminal acts or other wrongdoings to the appropriate law enforcement authorities.
14. _____ I also understand that evidence uncovered by the CIU that is favorable to me shall be disclosed to me or my legal representative regardless of the outcome of the review.
15. _____ I certify that all of the above statements are true and accurate.
16. _____ I acknowledge that providing false information will result in a dismissal of my claim.
17. _____ I understand the CIU may determine that my case does not meet the criteria for review at any point and may reject my claim without any explanation, and without any review or appeal by any court or agency.
18. _____ I understand that if I refuse to cooperate in any way or become uncooperative with the CIU's review process, the review may be cancelled.

DATE: _____

SIGNATURE: _____

PRINT NAME: _____

Claim No. _

*(supplied by the DA's
Office)*