



Conviction Integrity Review PETITION FOR REVIEW

MELISSA W. NELSON
STATE ATTORNEY

Complete this form in its entirety to petition our office for review of a qualified conviction. Be sure to include copies of any documents that support your petition/claims. *Do not send original documents or your only copy of any documents.* This form and supporting documents may be mailed to:

Office of the State Attorney
Fourth Judicial Circuit
Attn: Conviction Integrity Review
311 West Monroe Street
Jacksonville, FL 32202

Where "petitioner", "you" or "your" is indicated, provide information about the person seeking the review. If the person completing the petition is not the defendant, please indicate that in the appropriate section on the petition. The CIR will only accept cases for review where the following apply:

1. You must have been convicted in the Fourth Judicial Circuit (Clay, Duval, and Nassau counties) of a felony.
2. You must present a plausible claim of actual innocence (you did not commit or participate in the crime charged).
3. The claim must be supported by information or evidence not previously litigated before the original trier of fact (jury or judge).
4. The claim must be capable of being investigated and resolved, and if substantiated, would bear directly on the issue of innocence.
5. The direct appeal has become final, the mandate has issued, and there is no pending state court litigation.

The Conviction Integrity Review Division ("CIR") *is not* reviewing lawful sentences. The CIR *is not* reviewing 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 self-defense claims.

Initial each statement below to indicate your understanding and agreement:

_____ Requesting review of your case by our office will not toll the time you have to pursue post-conviction remedies, such as filing an appeal or post-conviction motion. You need to pursue those remedies separately.

_____ Acknowledgment of receipt of the Petition by the State Attorney's Office does not indicate acceptance of the case for investigation, nor does it infer acceptance of the validity of the claim of innocence.

PETITIONER INFORMATION

IMPORTANT: If you are currently represented by an attorney, the CIR will only communicate with your attorney. You should consult your attorney before submitting your Petition; your attorney may want to wait to submit the Petition or submit the Petition on your behalf.¹

Full name (Last, First, MI):	DOC Number:
Address/Contact information:	Date of Birth:
Case Number:	Charges on conviction(s):
Date of Conviction:	Original Sentence:
Name of Attorney who represented you at trial:	Name of Judge who sentenced you:

Is English your primary language Yes No

If not, what language do you normally speak? _____

Are you able to read and write English well? _____

Are you **currently** represented by an Attorney? Yes No

If yes, who is your current attorney? _____

Have you ever served in the United States military? Yes No

If yes, which branch and what years? _____

¹ The State Attorney's Office cannot provide legal advice. Please consult with an attorney before submitting a Petition if you need assistance or have any questions regarding anything contained in this Petition.

CASE INFORMATION

Please check every box for every statement that is true. You can check as many boxes as you need.

- I did not do any parts of the crime I was convicted of
- My conviction happened in Clay, Duval, or Nassau county (please circle which county)
- There is new evidence in my case that was not presented to the jury.

The new evidence is: _____

How were you convicted?

- A jury or judge found me guilty
- I entered a guilty or no contest plea

When did the crime occur (date)? _____

When were you arrested? _____

When were you sentenced? _____

Prior post-conviction litigation:

Has your direct appeal concluded? Yes No

If yes, please provide the case number: _____

If yes, when did the mandate issue? _____

Have you filed any post-conviction motions in this case? Yes No

Do you currently have an active appeals or post-conviction motion pending? Yes No

If yes, please provide the case number: _____

Prior DNA Testing:

Was DNA evidence presented at your trial?

- Yes No

If yes, was it by State Defense

Have you filed a 3.853 motion for DNA testing pursuant to Florida Statute, Section 925.11?

- Yes No

Was the motion granted? Yes No

Was testing done? Yes No

Contact with Innocence Organizations:

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

If yes, which organization(s) and when? _____

If yes, are they currently investigating your case? Yes No

New evidence or evidence that shows I am innocent:

Please check every 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.
Name of witness(s)? _____
- I was not at the crime scene and have an alibi.
Name of alibi(s)? _____
- There is new evidence that proves my innocence that wasn't available when I went to trial or entered my plea.
Briefly explain what evidence: _____
- 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 what evidence: _____
- There was scientific testimony at my trial that was wrong or has been discredited.
Briefly explain what testimony: _____
- There is DNA in my case that was never tested.
- The officer who arrested me or presented testimony against me has been arrested.
Name of officer and badge number: _____
- None of the above statements apply to me.

Information about evidence in your case:

Please check every 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."

- I testified at my trial.
 - Police said I confessed to them but I did not.
 - Police said I confessed to them, but my statement was coerced.
 - An eyewitness or victim identified me but got it wrong.
 - An eyewitness or victim identified me from a show-up.
 - 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.
 - I have information that the eyewitness identified another person.
 - The witness or informant who testified against me lied.
Name of witness(s) or informant(s)? _____
 - The witness or informant who testified against me had a deal with the State I just learned about.
Please explain the deal and how you learned of it: _____
-

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

4. 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.

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

6. Is there anything else you want the CIR to know about your case? If so please write it here (use additional paper if you need).

IMPORTANT – NOTIFICATIONS

Please indicate agreement with the following by initialing next to each statement:

- The Conviction Integrity Review Unit is a program of the State’s Attorney’s Office. They 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.
- I understand my statements on this Petition can be used against me if I have lied or provided false information.
- I acknowledge that providing false information will result in a rejection of my submission to the Conviction Integrity Review Unit.
- I am not currently represented by an attorney or I am currently represented by an attorney but wish to submit this Petition on my own after consulting with my lawyer.
- I am willing to cooperate with the Conviction Integrity Review Unit’s investigation.
- I understand the Conviction Integrity Review Unit reviews cases based on its own standards and my case may or may not be reviewed or investigated.
- I understand the Conviction Integrity Review Unit may contact any of the people or witnesses I have listed here to talk with them about my conviction.
- I understand that the existence of the Conviction Integrity Review Unit does not create or confer any rights on those who bring claims of actual innocence. The Conviction Integrity Review process is not a court proceeding, and Conviction Integrity Review decisions are not appealable.

The following statements are optional; you do not have to accept them for the CIR to begin reviewing your case:

- I give my attorneys and former attorneys permission to share information from their files with the CIR.
- I give the Innocence Project of Florida or any other innocence organization permission to share information from their review of my case with the CIR.

Signed

Date