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Criminal Division

Please provide the required information and complete this form in its entirety to petition our office for review of your 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:

Pima County Attorney's Office
Conviction and Sentencing Integrity Unit
32 N. Stone Ave.
Tucson, AZ 85701

Where "petitioner", "you" or "your" is indicated, the requested information needs to be provided 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 and complete the section.

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

1. You must have been convicted of a felony in Pima County.
2. You must present a plausible claim of actual innocence, or misconduct or procedural error that calls into question the integrity of the conviction.
3. The direct appeal has become final, the mandate (final order) has been issued, and there is no pending litigation.

Please keep in mind the following. The Conviction and Sentencing Integrity Unit ("CSIU") does 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 cases of self-defense, or consent versus rape.

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 Petition by the CSIU does not mean they accept my case for investigation, and does not mean they accept my claim of innocence.

PETITIONER INFORMATION

Please check "yes" or "no" for each question:

Are you a U.S. Citizen? Yes No

➤ *The answer to this question will NOT affect whether your case is considered. It is so we know there might be an immigration hold.*

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 writing on this form for you? Yes No

Are you still serving your sentence from this conviction? Yes No

If "Yes", are you in prison on probation on parole

Your name:	Your DOC Number:
Your Address:	Your 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:

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

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

If yes, who is your Attorney? _____

CASE INFORMATION

Please list all the Attorney(s) who have represented you:

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 Pima County.

- My direct appeal – the appeal following my sentence – is over

The date your appeal was denied: _____

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 had no role in the crime I was convicted of.

¹ The Pima County 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.

- I did some of what I was convicted for, 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.

How were you convicted?

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

Please provide dates for the following

When did the crime occur (date)? _____

When were you arrested? _____

When were you sentenced? _____

Prior post-conviction appeals

Do you have any active appeals or post-conviction motion? Yes No

If yes, please provide the case number: _____

If yes, what court is it in:

- Trial Court Arizona Court of Appeal Arizona Supreme Court
- Federal District Court 9th Circuit Court of Appeals US Supreme Court

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

If Yes, provide case information: _____

Prior DNA Testing

Was DNA evidence used at your trial? Yes No

If yes, was it by State Defense

Have you filed a motion for DNA testing under ARIZONA law? Yes No

Was the motion granted? Yes No

Was testing done? Yes No

Contact with Innocence Organizations

Have you contacted the University of Arizona 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?

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.

I was not at the crime scene and have an alibi.

- 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 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.

Questions about scientific evidence

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."

- The State said I hurt or killed a baby by shaking the baby.
- The State said I intentionally started a fire.
- The State used bite mark evidence (teeth marks) against me.

- The State used hair comparison evidence against me.
- 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 didn't know me but identified me as the committing the crime, and got it wrong.
 - If you were identified, which of the following fit how you were identified:
 - 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.
- The witness or informant who testified against me lied.
- 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: _____

- 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 other of my body fluids (semen, spit, sweat) at the crime scene.
- Police said the victim's DNA was on me.
- Police said I had the victim's property or other belongings.
- None of the above statements apply to me.

INFORMATION ABOUT NEW EVIDENCE AND INNOCENCE

Please answer these questions in the boxes, including as much information as you know. If you need more space, use a separate piece of paper.

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?

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

IMPORTANT – NOTIFICATIONS

Please initial beside each statement you accept and understand.

- The Conviction Integrity Review Unit is a program of the Pima County 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 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.
- No-one has promised me anything to fill out this Petition.
- I understand the Conviction and Sentencing Integrity Unit reviews cases based on its own standards and my case may or may not be reviewed or investigated.
- I understand the Conviction and Sentencing Integrity Unit may contact any of the people or witnesses I have listed here to talk with them about my conviction.

Signed

Date

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

You have petitioned the CSIU to investigate your claim of innocence. To conduct a thorough investigation, the CSIU 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. The CSIU 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 the CSIU 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 CSIU to continue its investigation and review of your case. The CSIU 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 that the attorney cannot reveal to the CSIU 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 the CSIU. In making that decision, you may want to consult with a lawyer who is not part of the CSIU.

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

At some point, however, the CSIU 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 CSIU.

**** Continued on Next Page ****

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

AGREEMENT TO AUTHORIZE ATTORNEYS TO SHARE INFORMATION

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

___ 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 [CASE NAME], as well as [NAME OF INNOCENCE ORGANIZATION IN STATE] permission to share with the CSIU 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 the CSIU.*

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

Printed Name

Signature

Date