

Tarrant County Criminal District Attorney's Office Instructions for Conviction Integrity Unit Review

The Conviction Integrity Unit (CIU) will review cases that meet the following criteria:

1. The conviction must arise from a Tarrant County court;
2. A claim must not be frivolous, but procedural bars will not prohibit review;
3. Records and evidence necessary for review must be available;
4. The applicant must present a new and credible claim of actual innocence. (Particular attention will be given to newly discovered evidence or evidence supporting wrongful conviction due to issues concerning forensic science, misidentification, misconduct, *Brady* violations, jail house informant, alibi, and recantation.)
5. The applicant and convicted person must fully and openly cooperate with the unit. If applicant has an attorney, all communication must be made through the attorney, and the attorney must enter into the CIU Cooperative Agreement. Attorneys and Innocence Projects may submit substantially similar information without utilizing this form; however, a waiver is still required.

Return completed intake form and associated documents, as well as the completed waiver form to:

Tarrant County Criminal District Attorney's Office
Tim Curry Criminal Justice Center
401 W. Belknap Fort Worth, Texas 76196
Attention: Conviction Integrity Unit

A plea of guilty is not a bar to CIU review but is subject to a higher level of scrutiny. Capital Murder, Murder, Sexual Assault, or other serious felonies where the convicted is serving a substantial sentence will be given priority.

Decisions regarding whether CIU will re-open case investigations, as well as how the claim will be investigated and resolved, are at the discretion of the Tarrant County Criminal District Attorney. All efforts to expedite resolutions will be made (subject to the above criteria).

Please note: DNA testing should be requested by Chapter 64 Motion, but results of such testing may result in internal referral by Post Conviction to CIU.

The following will NOT be reviewed and may be summarily dismissed upon screening:

- Purely ineffective assistance of counsel claims;
- Claims regarding procedural errors at trial, purely legal claims, or self-defense;
- Other "general" writ claims (such as time credits, etc.);
- Any claim where the convicted applicant now recants his or her trial testimony and offers a new theory of innocence;
- Cases currently on direct appeal, pending writ proceedings, or cases with other pending litigation that relates to the same subject matter as the criminal case(s).

TARRANT COUNTY CRIMINAL DISTRICT ATTORNEY'S OFFICE
CONVICTION INTEGRITY UNIT REVIEW REQUEST

While a current probation is not a bar to review, the CIU review will stop if a petition to revoke is filed. ***Please be aware that any information you provide to the CIU may also be disclosed to the prosecutor(s) and defense attorney(s) involved in the revocation proceedings.***

Please answer as many of the following questions as you can. If you have supporting documents, please provide copies if possible, or indicate that you have such documents. **Do not send us your originals or the only copy you have.** Answer this form as completely as you can. You may use additional paper if necessary. Please number your answers according to the questions below.

Please be advised that this office does not represent you. We are unable to give you legal advice and, as we do not represent you, the attorney-client privilege does not apply to anything you tell us in this form or any other communication.

Please provide information requested below:

1. Convicted person's name: _____
2. Convicted person's Texas Department of Criminal Justice Identification Number:

3. Convicted person's current mailing address: _____

4. Is English the convicted person's primary language? Yes ____ No _____
5. If English is not the convicted person's primary language please list the primary language: _____
6. If the applicant is not the convicted person, please provide the following:
 - a. Applicant's name: _____
 - b. Applicant's address: _____

 - c. Applicant's phone number: _____
 - d. Applicant's email address: _____

- e. Applicant's relationship to the convicted person: _____

7. What is the crime that is the basis of this application for review? _____

8. What was the date of the offense? _____
9. What was the date of conviction? _____
10. What was the court of conviction? _____
11. What is the cause number of this offense? _____
12. In what city did the offense take place? _____
13. In what county did the offense take place? _____
14. At what address did the offense occur? _____

15. Who was your attorney at trial? _____
16. Was there a direct appeal? Yes _____ No _____
- If yes, who was your attorney? _____
 - If yes, please list the appellate cause number: _____
 - If yes, please list the date the appeal was filed: _____
 - If yes, are there any proceedings still currently pending? Yes _____ No _____
 - If no pending proceedings, please list date decided (opinion was issued or mandate was returned): _____
17. Was there a PDR? Yes _____ No _____
- If yes, who was your attorney? _____
 - If yes, please list the cause number: _____
 - If yes, please list the date filed: _____
 - If yes, are there any proceedings still currently pending? Yes _____ No _____
 - If no pending proceedings, please list date decided: _____
18. Were there any post-conviction writs filed? Yes _____ No _____
- If yes, who was your attorney? _____
 - If yes, please list the cause number: _____

- c. If yes, please list the date filed: _____
- d. Was a hearing held on the writ(s)? Include any date(s) of hearings: _____
- e. If yes, are there any proceedings still currently pending? Yes _____ No _____
- f. If no pending proceedings, please list date decided: _____

19. Was there a request for post-conviction DNA testing? Yes _____ No _____

- a. If yes, who was your attorney? _____
- b. If yes, please list the cause number: _____
- c. If yes, are there any proceedings still currently pending? Yes _____ No _____
- d. If yes, was any testing done? Yes _____ No _____
- e. List what was tested and any results: _____

- f. If no pending proceedings, please list date decided: _____

20. Is there any other pending litigation that involves the same subject matter as your criminal case? Yes _____ No _____

If yes, briefly describe the pending litigation? _____

21. Explain in detail why you are innocent.

22. What issues are present in your case, if any? _____

25. Finally, provide any other information you think would be helpful in reviewing your case. Include information (name, phone numbers, addresses, and email) for any persons you think could provide information that could assist in your claims or verify any of the information you provided. _____

Remember to attach any documents, affidavits, or letters supporting your claims (do **not** send originals) and mail to the address listed on the instruction sheet. Keep the instruction sheet for your records. Do not forget to include the completed waiver form.

By submitting this document you affirm that you meet the conditions described above as required for Conviction Integrity Unit case review and agree you will fully cooperate in a CIU investigation.

Thank you.

Tarrant County Criminal District Attorney's Office
Conviction Integrity Unit
WAIVER AND CONSENT

INSTRUCTIONS: Please read the limited waiver below and sign if you agree with its terms. If you are currently represented by an attorney, please discuss this matter with your attorney and have your attorney sign as well. **The original copy of this form must be delivered to the Conviction Integrity Unit.** Please retain a copy for your records.

I, _____, have filed an application with the Conviction Integrity Unit (CIU) of the Tarrant County District Attorney's Office in which I have requested the CIU to review my conviction. I **am** / **am not** (*check one*) currently represented by an attorney. I understand that, in order for the CIU to fully investigate any claims of misconduct by the State, the CIU will need to determine what information was disclosed to my previous attorney(s) by the State or other parties.

Therefore, I agree to fully cooperate with CIU's review, which includes allowing CIU to contact and speak with my previous attorney(s) about any NON-PRIVILEGED matters, and allowing CIU to access my client file, as maintained by my previous attorney(s), to view any information, other than privileged communications or attorney work-product, contained within my file.

By signing below, I acknowledge that I have read and understood all of the above statements and that my agreement to cooperate with the CIU is made by my own free will and is given voluntarily.

My name is _____, my date of birth is _____, my inmate identifying number, if any, is _____, and my address (or place in which I am currently incarcerated) is _____.

_____ . I declare under penalty of perjury that the foregoing is true and correct.

Signature of Convicted Offender

Executed in _____ County, State of Texas, on _____ . (date)

CERTIFICATION BY ATTORNEY FOR CONVICTED PERSON (if currently represented by counsel)

I hereby certify that I have fully explained to the convicted offender the above statement and that his/her signature is a result of an independent and informed decision made by him/her.

Signature of Attorney for Convicted Offender

Name of Attorney for Convicted Offender
(Type or Print)

Date Signed