

SHERRI BEVAN WALSH

SUMMIT COUNTY PROSECUTOR

Summit County Prosecutor's Conviction Review Unit

Conviction Review Unit Submission Requirements and Application

In order for the Conviction Review Unit (CRU) to conduct a preliminary review of a conviction, the following prerequisites must be met:

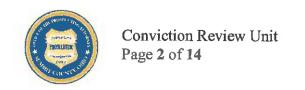
- 1. Your conviction must be in the Summit County Court of Common Pleas.
- 2. To request a review of your conviction, you must be incarcerated or still in prison.
- 3. There must be a claim of actual innocence or wrongful conviction.
- 4. New and credible evidence that could confirm or refute the conviction must exist.
- 5. The claim must not be frivolous. We take these applications seriously.
- 6. The petition must be submitted by YOU or YOUR attorney.
- 7. This is a long form. If you cannot answer every question, you can still submit it.
- 8. Complete this form as best you can.
- 9. Print legibly or type your answers, if possible.
- 10. Additional sheets of paper for your answers can be added.

NOTE: If YOU are represented by counsel, this form MUST be submitted by counsel and all communications by the CRU will be through YOUR attorney.

WE DO NOT ACCEPT SUBMISSIONS FROM FRIENDS OR FAMILY.

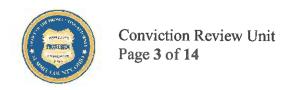
Please complete the Conviction Review Application and return it to:

Conviction Review Unit
Office of Sherri Bevan Walsh
Summit County Prosecutor
53 University Avenue, 6th Floor
Akron, Ohio 44308



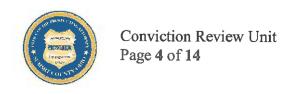
Summit County Prosecutor's Conviction Review Unit Application Acknowledgment Form

		CRU Case No.		
State of Ohio v.	(Internal use only)			
Petitioner's Name:	(Internal ase only)			
Case No.	Convicted Offenses:			
D				
Date of Offense:	Date of Conviction:	Date of Sentencing:		
Are there any open appeals/post-con-	viction motions? If yes, please list:			
	- · · -			
The Petitioner must agree to t	he following and indicate such agre	eement by initialing		
to the right of each statement:				
1. I acknowledge that I have been	convicted of the offenses(s) noted above	Initials of Petitioner:		
by the Summit County Common	Pleas Court.			
2. I believe that credible evidence of my innocence exits that was not				
previously presented to the Judge/Jury.				
3. I am requesting that the CRU review my claim of actual				
innocence/wrongful conviction. 4. I am willing to cooperate with the CRU's investigation.				
5. I understand the CRU may determine that my case does not meet their				
criteria and at any point may reje				
	to appeal a rejection of my claim by the			
CRU.	ODET 114			
7. I understand that a claim with the CRU will not extend the deadlines for				
any direct appeal or post-conviction remedies.				
8. I understand the CRU does not represent me and cannot offer me any legal advice.				
9. I understand acknowledgement or acceptance of this Petition does not				
indicate acceptance of a case for investigation or validity of a claim.				
I have read and understand all of	the above statements. By initialing abo	ve and signing below I		
understand and agree to comply with	any terms herein. No one has told me to	agree to anything that I		
oppose or do not understand. I certify that all statements in my Acknowledgment and Application Forms				
are true and accurate.	,			
Signature: Date:				



Conviction Review Unit Application Form

1.	Are you currently incarcerated?
	Yes No (STOP! We cannot assist you.)
2.	Were you convicted in the Summit County Common Pleas Court?
	Yes No (STOP! We cannot assist you.)
3.	What is your first language?
4.	What is the highest grade you completed in school?
5.	Is there any reason that corresponding in writing will be difficult for you?
	☐ Yes (describe below) ☐ No
6.	Have you ever had mental health treatment?
	☐ Yes (describe below) ☐ No
7.	Would you be willing to sign a release to allow us to review your medical records?
	Yes No (describe why not)
8.	Were you employed at the time of your arrest? If so please provide the name, address and telephone number of your employer.
	□ Yes □ No



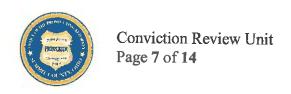
 Please list all crimes and the corresponding sentence for which you are currently incarcerated.
10. Besides your direct appeal, please list all other post-conviction motions and petitions filed in both state and federal court (for example, federal habeas corpus petition, motion for new trial, etc.) DO NOT SEND COPIES UNTIL YOU ARE ASKED FOR THEM.
11. Do you have any litigation regarding this case pending in court (civil or criminal)?
☐ Yes (list all cases below) ☐ No
12. Are you claiming actual innocence? Actual innocence means that you were not involved in ANY way (e.g., self-defense is not actual innocence)?
☐ Yes ☐ No
13. Are you claiming that you were wrongfully convicted, but not actually innocent? Wrongfully convicted but not actually innocent means that, although you had some involvement in the crime, the evidence used against you at trial was tainted in some way (for example, the primary evidence against you was a confession that was obtained after using physical force) or there was a constitutional violation of your right to a fair trial.
☐ Yes ☐ No
14. Are you claiming that you received a disproportionately and/or unfairly long sentence (e.g., your co-defendant has been released and you are serving a life sentence or a de facto life sentence)?
☐ Yes ☐ No

15.	Please	describe	in detail	what the	prosecutors	presented at	vour trial?
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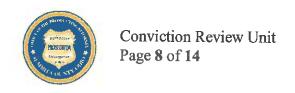
16. Please describe in detail why you are innocent and the facts of your case the way you think the crime happened (e.g., was there a struggle, were any fluids discharged like semen, saliva, or blood; did the perpetrator touch several items at the crime scene?). Or, if you are stating that no crime happened, please explain (e.g., your child died because he/she was sick, not because of a criminal act).

17. Please provide the names, addresses, and telephone numbers of any individuals who might have information regarding your case. By providing these names, you are giving us permission to talk to them about your case.

18.	Do you have copies of documents given to you by your trial attorney (e.g., police report is given, bill of particulars, etc.)? If yes, please list the documents you possess bel DO NOT SEND COPIES UNTIL YOU ARE ASKED FOR THEM.	orts, ow.
	☐ Yes ☐ No	
19.	What was the name of the victim(s)?	
20.	Oid you know the victim(s)? How did you know the victims(s)?	
21.	How did you become a suspect in the case?	
22.	Describe your arrest: where were you, when did it happen, and how did it happen?	
23.	Who were the investigating detectives on your case?	
24.	Did the police or investigating detective interview you BEFORE you were arrested?	
	☐ Yes ☐ No	
	f so, how many times were you interviewed, and for how long?	



25	. Did the police	or investigating detective interview you AFTER you were arrested?
	☐ Yes	□ No
	If so, how man	y times were you interviewed, and for how long?
26.	Was any part of the interview?	of the interview(s) recorded or videotaped? If yes, do you have a copy of
	Yes	□ No
27.	Did you give a	written statement?
	☐ Yes	□ No
28.	If you gave a st and briefly desc	tatement in any form, please explain why you decided to give a statement, cribe what you told the police.
29.	Was any victim so, please descr	or witness asked to identify you prior to trial with a line-up or photos? If ibe who identified you and how.
	☐ Yes	□ No
30.	Do you know of and where?	f anyone who was asked to identify you but could not? If so, who, when,
	Yes	□ No

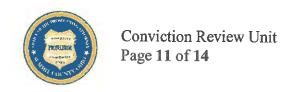


31.	claims he or sl	thess testify, either for you or against you (an eyewitness is someone who he actually saw the crime being committed)? If so, please list their names nation you have about how to contact them.
	Yes	□ No
32.	information yo	e any co-defendants? Please list all of your co-defendants and any ou have about how to contact them, including their prison number (if hey plead guilty or go to trial? Did any of your co-defendant(s) testify
	Yes	□ No
33.	Were there any Yes	co-defendants who were never charged? If yes, what are their names?
34.	Did you testify	on your own behalf? If not, why?
	Yes	□ No
35.	Did any victims	s testify? If so, list their names.
	☐ Yes	□ No
36.]	Did any experts	testify during trial? If so, who testified and what did they say?
	Yes	□ No

and what did th	informants or snitches testify against you at your trial? If so, who testified ey say?
Yes	□ No
38. Did anyone test	ify that you confessed to, or admitted being involved in, the crime? No
39. Did anyone testi own case?	ify against you in exchange for a promise of leniency (a deal) in his or her
Yes	□ No
40. Did anyone who If yes, please exp	testified against you, including the alleged victim, have a reason to lie? plain.
Yes	□ No
41. Who else testifie	ed for the prosecution at your trial?
42. Who testified for	the defense at your trial?

43	. Do you have an alibi that proves you	u could not have committed the crime?
	☐ Yes (describe below) ☐ 1	No
44.	Did you try to prove your alibi at t alibi with your attorney? If not, why	rial? If so, how? If not, why? Did you discuss your?
	☐ Yes ☐ No	
45.	Did the prosecution use any of the for If you check one of the boxes, please	
	☐ Bite mark analysis	☐ Shaken-Baby Syndrome
	☐ Microscopic hair comparison	☐ Blood typing (AB, O, etc.)
	☐ Arson science	☐ Microscopic fiber or carpet analysis
	☐ Gunshot residue	☐ Bullet/Ballistic comparison
	☐ Fingerprints	□ DNA

46. Please describe the defense that you or your attorney raised at trial (for example, if you were convicted of rape, did you claim the sex was consensual, or that you were wrongfully identified, or, if you were convicted of murder, did you argue self-defense, present an alibi, or raise some other defense?).



47	7. Was any physical and/or biological evidence recovered during the investigation of your case (examples of this type of evidence are blood, hair, clothing, weapons, etc.). If so, please describe it.		
	Yes	□ No	
4 8.	. If applicable, w	ras a rape kit obtained from the alleged victim?	
	Yes	□ No	
49.	Did you ever so have the DNA 1	the or hear about a report of the test results? If so, what did it say? If you report, please send <u>a copy</u> along with this application.	
	Yes	□ No	
50.	Were any DNA	results used at trial?	
	Yes	□ No	
51.		hat lab or individual conducted the test? If yes, please provide.	
	∐ Yes	∐ No	
	evidence in you	ridence in your case - or do you think new testing could develop new ar case - which the jury did not hear in your original trial that would be actual innocence/wrongful conviction?	
	Some possible e	xamples could include:	
	a) A DNA tes	t that a lab could perform on the crime scene evidence that would	

conclusively prove you did not commit the crime.

- b) A DNA test that a lab could perform that would point to someone else having committed the crime.
- c) A DNA test on the crime scene evidence that could be put in the national DNA database of convicted felons that might match to a convicted felon showing that person actually committed the crime.
- d) A key state witness against you at the time you were convicted who has recanted his or her testimony. By "recanted," we mean the witness is now saying he or she lied against you before, or was mistaken before, and that they are now saying something different that shows you are innocent.
- e) A new witness who has recently come forward, and who did not testify before, who can now testify that you are innocent. This can be someone who saw the crime and says it was someone else they saw do it, or someone who provides you with a solid alibi because they were with you somewhere else when the crime occurred.
- f) Other new science other than DNA, such as gunshot residue analysis or new arson science, that could be performed on the crime scene evidence and would show you are innocent. (Note: lead bullet analysis and arson science have really advanced in recent years. Many old methods that might have been used to convict you are now considered inaccurate. If you were convicted as a result of arson science or gunshot residue analysis, new studies showing those methods were flawed and could constitute new evidence).
- g) Evidence your lawyer did not present that could have proven you innocent.
- h) Do you have any "new evidence" or is there any "new testimony" that you believe could develop new evidence? Please state what that is.
 - **Note: The above list is not a complete list of examples and this type of evidence does not necessarily demonstrate actual innocence/wrongful conviction in every case. The list is included simply to provide some examples of evidence the jury did not hear which could, depending on the facts of your case, be used to demonstrate actual innocence or that you were wrongfully convicted.

53. If you are writing to the Conviction Review Unit claiming you are wrongfully convicted but not actually innocent OR received a disproportionately and/or unfairly long sentence please explain if there is new evidence supporting these claims, e.g., evidence of officer's misconduct has come to light through another case or a new witness has come forward that demonstrates you are guilty of a lesser charge or crime rather than the crime for which you were sentenced.	e, an ne
54. If you are saying you did not commit the crime, do you know who committed the crime(s) of which you were convicted? If yes, please name them below and provide the person's whereabouts (if known). Yes No	ne at
55. How do you know that this person committed the crime?	
56. Have you contacted any innocence organizations in regards to your claim? If so, which organizations? Yes No	h

57. Please tell us anything else that could help us prove	e your innocence or explain why you
were wrongfully convicted or sentenced.	

NOTE: THE PROSECUTOR'S OFFICE CANNOT PROVIDE YOU WITH INFORMATION AS TO WHEN THE REVIEW OF THIS SUBMISSION WILL BE COMPLETED. HOWEVER, DEPENDING ON THE VOLUME OF REQUESTS, IT MAY BE SOME TIME BEFORE WE CAN REVIEW YOUR SUBMISSION. WE WILL CONTACT YOU IF WE NEED MORE INFORMATION OR HAVE MADE A DECISION.