



OFFICE OF THE KANKAKEE COUNTY STATES ATTORNEY

APPLICATION TO REQUEST REVIEW OF A CRIMINAL CONVICTION BY THE CONVICTION INTEGRITY UNIT

INSTRUCTIONS

This application is issued by the Conviction Integrity Unit (CIU) of the Kankakee County State's Attorney's Office. The CIU requires applicants to use this application when asking the CIU to review a criminal conviction. All applicants must also include the attached CIU Consent Form, completed by the defendant, before any review will be initiated by our unit.

This application can be completed by a defendant, by an attorney representing a defendant, or by any person authorized by a defendant to act on his or her behalf. Regardless of who prepares the responses, this application requires the defendant to provide information about their criminal case.

Please read carefully the "Eligibility" and "Advise of Rights" sections below *before* you submit this application. You should only complete and submit the application after you have confirmed that the defendant's conviction is eligible for review.

Please provide all the information requested by this application. Your request can be considered more quickly if the information described in this application is accurate and complete. Please type your answers or print legibly in ink. You may attach additional pages if the space provided is not sufficient.

ELIGIBILITY

The Conviction Integrity Unit only will accept requests for review that meet *all* of the following standards:

- The defendant must be living. The CIU does not review convictions of a defendant who is deceased.
- The conviction must be for a felony offense, and it must have been obtained in the Circuit Court of Kankakee County, Illinois. The CIU does not review felony convictions from other States, Federal court proceedings, or any Illinois county other than Kankakee County.

- The CIU only will review a criminal conviction where the defendant claims that he or she is actually innocent of the offense. “Actual innocence” means that the defendant bore no criminal responsibility for the offense.
- A claim of actual innocence must be supported by new evidence that was not known to the judge or jury at the time the defendant was convicted. The new 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.
- A defendant only may seek review from the CIU after a final judgement of conviction has been entered and a sentence has been imposed. The CIU does not review cases if there is a pending direct appeal. The CIU may decline review during the pendency of post-conviction proceedings.
- **APPEAL AND POST-CONVICTION DEADLINES ARE NOT TOLLED BY THE FILING OF ANY DOCUMENTS WITH THE CONVICTION INTEGRITY REVIEW UNIT. YOU SHOULD CONSULT WITH AN ATTORNEY TO ENSURE YOU MEET ALL APPEAL AND POST-CONVICTION DEADLINES.**

ADVISEMENT OF RIGHTS

This application is not intended to convey legal advice. Nevertheless, any person who submits this application should understand that the defendant has the right not to provide information to a government agency about his or her case. By submitting this application, you acknowledge that any information is given voluntarily and your own free will. While the CIU may consider your case even if you refuse to provide all the information requested by the CIU, the CIU reserves the right to consider such a refusal when reaching its decisions and recommendations.

The CIU may request that the defendant authorize any attorney who represented him or her in the criminal case to discuss the events that led to the conviction. In such instance, the CIU will request a waiver of the attorney-client privilege from the defendant. While the CIU may still consider the defendant’s case without a waiver, the CIU reserves the right to consider such refusals when reaching its decisions and recommendations.



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CONSENT FORM

REQUEST TO HAVE CIU REVIEW YOUR CASE

(INITIAL EACH LINE AFTER READING)

1. I acknowledge that I have read the CIU Policy Statement. _____
2. I certify that all of the statements in this application are true and accurate. _____
3. I understand that I have no right to a CIU review. _____
4. I understand that the CIU may determine my case does not meet their criteria and reject my submission at any point. _____
5. I understand that sending this submission to the CIU does not extend the deadlines for any post-conviction or appellate court claims. _____
6. I understand that the CIU is not my attorney. _____

SIGNATURE: _____

PRINT NAME: _____

DATE: _____

DEFENDANTS BACKGROUND INFORMATION

1. First and Last Name: _____
(As it appears in the court papers in the case)

2. Date of Birth: _____

3. Inmate Identification Number: _____

4. Case Number: _____
(Please submit one application for each case)

5. Date of Conviction: _____

6. The conviction was entered as a result of which one of the following:

PLEA

JURY TRIAL

BENCH TRIAL

7. Current Attorney: _____
(If any)

8. Have you, or someone acting on your behalf, conducted any investigations into the case? If yes, please provide the names and contact information of the individuals or organizations who conducted these previous investigations, as well as copies of any materials generated during that investigation.

9. Please list all the attorneys who have represented or assisted you in this case.

10. If you are preparing this submission on behalf of a defendant, please provide your name, address, telephone number, and the nature of your relationship to the defendant. Persons who are not the defendant's attorney and who submit an application on behalf of a convicted defendant must submit a letter signed by the defendant authorizing the person to submit the application and receive information from the CIU.

TELL US ABOUT THE CASE

11. If you were convicted of multiple felony counts, are you now asserting that you are innocent of all charges? If the answer is “no,” please specify the charges (or counts) for which you assert you are innocent.

12. Please list any co-defendants charged in the case.

13. Where was the location of the crime?

14. Where did you live at the time of the crime?

15. Were you present when the crime occurred (circle one)?

YES

NO

16. Please describe where you were and what you were doing at the time of the crime.

17. Please describe the defense that you or your attorney raised at trial.

18. Did the prosecution use any of the following against you to convict you? If you check one of the boxes, please explain below.

- | | |
|--|---|
| <input type="checkbox"/> Bite mark analysis | <input type="checkbox"/> Blood Typing (AB, O, etc.) |
| <input type="checkbox"/> Microscopic hair comparison | <input type="checkbox"/> Microscopic fiber or carpet analysis |
| <input type="checkbox"/> Arson science | <input type="checkbox"/> Bullet/ Ballistic comparison |
| <input type="checkbox"/> Gunshot residue (GSR) | <input type="checkbox"/> DNA |
| <input type="checkbox"/> Fingerprints | |

19. Please provide the docket (or case) number[s] for any appeals you have pursued in the Illinois Appellate Court or the Illinois Supreme Court.

20. Have you filed any other court pleadings related to your conviction? (This could include a Petition under the Illinois Post-Conviction Act; a request for the federal habeas corpus relief; or a civil lawsuit) If yes, please provide the docket (or case) numbers for *each* court action you have filed. Please also provide the dates on which any such court challenge was resolved. If you are able to provide a copy of any order or decision issued in that case, please provide those as well.

24. Has any other person ever signed an affidavit on your behalf about your case? If yes, please attach a copy of each affidavit.

25. Have you ever testified about your case? If yes, please list the dates of all previous in-court or deposition testimony.

EXPLAIN THE CLAIM OF ACTUAL INNOCENCE

26. Please describe your claim of actual innocence:
27. What is the **new evidence**, which supports your claim that you are innocent of the crime[s]? In the response to this question, you should ***only*** discuss the new evidence that was ***not*** introduced into evidence during any proceedings that led to the conviction. Please be specific: identify what the new evidence is and explain how it shows that you are innocent.

28. Please list the documents and the materials that support your claim of innocence.
(Please also attach copies of the listed materials to this application)

Please return this application, attached
consent form, and all associated documents,
to:

Kankakee County State's Attorney's Office
Conviction Integrity Unit
189 East Court Street, 6th Floor
Kankakee, IL 60901

OR

Via e-mail to K3SAOCIU@K3county.net