

*Committee for Public Counsel Services
Innocence Program*

Client Screening Questionnaire

**Return Completed Questionnaire to:
CPCS Innocence Program
21 McGrath Highway
Somerville, MA 02143**

The purpose of this questionnaire is to help determine whether or not your case qualifies for assistance from the CPCS Innocence Program. The CPCS Innocence Program only represents **indigent** defendants who have been convicted of a **Massachusetts state crime** and who claim **actual innocence**. A person is actually innocent of a crime **only** if he or she did not commit the crime.

Please answer all the questions that apply to your case as fully as you can, **sign the release on the last page**, and return the questionnaire to the CPCS Innocence Program. If you need help completing this form you may call the CPCS Innocence Program, collect, at 617-623-0591.

This questionnaire is the beginning of an application process. The CPCS Innocence Program does not represent you unless and until the Program accepts your case.

I. Personal Information

1. **Name** _____
2. **Inmate Number** _____
3. **Current Address** _____

4. **Date of Birth** _____
5. **Primary Language** _____
6. **Highest Grade You Completed in School** _____

- a. If you received special education services, please describe the services received.

- 7. Have you ever been diagnosed with or treated for a mental illness? YES _____ NO _____

- a. If yes, please describe your mental illness, any treatment you have received, and when you were treated.

- 8. Prior to this conviction, had you ever been convicted of another crime? YES _____ NO _____

- a. If yes, please list the dates and offenses of which you were convicted:

II. Legal Representation

1. Do you have a lawyer who represents you now?
YES _____ NO _____

a. If yes, please write the lawyer's name, address and telephone number.

b. Did you hire this lawyer or was the lawyer appointed to represent you?
HIRED _____ APPOINTED _____

2. Have you ever applied to or contacted the New England Innocence Project ("NEIP") for help with your case? The New England Innocence Project and the CPCS Innocence Program are different organizations.
YES _____ NO _____

a. If yes, has the New England Innocence Project agreed to take your case? YES _____ NO _____

3. Have you ever applied to or contacted any other innocence organization, such as the Innocence Project in New York, for help? YES _____ NO _____

a. If yes, has any other innocence program agreed to take your case? YES _____ NO _____

b. If yes, please specify which program or organization. (Name, address, telephone number, etc.)

4. Has a lawyer ever been appointed to represent you because you could not afford to pay for a lawyer?
YES _____ NO _____

a. If yes, what is the most recent time a lawyer was appointed to represent you? *(For example, on a motion for a new trial, on appeal, at trial)*

b. Was your most recent lawyer hired to represent you or was the lawyer appointed?
HIRED _____ APPOINTED _____

III. Information About Your Case

1. For each case that you are seeking help, write the trial court docket number and the county where the indictment or complaint was issued. *(The docket number is the same as the indictment or complaint number).*

2. Date of arrest *(month, day, year)*

3. Place of arrest *(city, state)*

4. List all crimes for which you were charged in this case:

5. What crime(s) were you convicted of? _____

6. Were you convicted as a joint venturer?
YES _____ NO _____

7. Are you innocent of all of these crimes?
YES _____ NO _____

8. If no, which crimes are you innocent of? _____

9. When were you convicted? (*What is the date that you were found guilty?*)

10. What is your sentence? List each conviction and the sentence on that conviction. Include whether the sentences are concurrent (*sentences all served at the same time*) or consecutive (*one sentence ordered served after another sentence is completed*).

11. Did you have a trial? YES _____ NO _____

a. If yes, was it a jury trial or a bench trial?
(A bench trial is a trial before a judge without a jury).

JURY TRIAL _____ BENCH TRIAL _____

12. Did you plead guilty? YES _____ NO _____

a. If yes, why did you plead guilty?

b. Have you ever filed a motion to withdraw your guilty plea? YES _____ NO _____

13. Who was the lawyer who represented you at your trial or guilty plea? (Name, address, telephone number)

14. When will you be eligible for parole? _____

15. Have you had a parole hearing(s) for this case? YES _____ NO _____

a. If yes, please give the approximate date(s).

b. If yes, did you admit guilt at your parole hearing? YES _____ NO _____

c. If yes, why did you admit guilt?

d. If a lawyer represented you at your parole hearing, please write the lawyers name, address and telephone number.

16. When will you wrap-up your sentence? _____

17. Are you now serving a sentence for any other (unrelated) conviction? YES _____ NO _____

a. If yes, what are your other convictions and sentences?

18. If there was a trial, what was the defense at trial?
(For example, mistaken identification, accident, alibi, self-defense, consent, no crime was committed)

19. If there was a trial, briefly describe the Commonwealth's (*Prosecution's*) theory of what happened:

20. If there was a trial, did you testify? YES _____ NO _____

a. If yes, give a brief description of your testimony.

21. Did the "victim(s)" testify? YES _____ NO _____

a. If yes, did the "victim(s)" identify you as the person who committed the crime? YES _____ NO _____

b. Did you know the "victim(s)"? YES _____ NO _____

c. If yes, how did you know the "victim(s)"?

22. Did anyone else identify you as the person who committed the crime? YES _____ NO _____

a. If yes, when and where did they do this?

23. Did you participate in a line-up? YES _____ NO _____

24. Were you identified from a line-up? YES _____ NO _____

25. Were you identified from a photo array?
YES _____ NO _____

26. Who else testified at your trial?
For the Defense (name, address, telephone number)

For the Prosecution (name, address, telephone number)

- a. Did any police informants or snitches testify against you at your trial? YES _____ NO _____
- b. Did anybody testify against you in exchange for a promise of leniency in his or her own case? YES _____ NO _____
- c. Did anyone who testified against you (including the "victim(s)") have a reason to lie? YES _____ NO _____
- d. If you answered yes to any of the above three questions (a,b or c), please explain:

- 27. Do you believe that you have an alibi that proves you could not have committed the crime for which you were convicted? *(This is where you argue that you could not have committed the crime because you were somewhere else when the crime was committed.)* YES _____ NO _____

- a. If yes, what is your alibi?

- 28. Was this alibi raised at trial? YES _____ NO _____

a. If no, why wasn't your alibi raised at trial?

29. Do you have some way now to prove the alibi?

YES _____ NO _____

a. If yes, how?

30. Is a witness recantation needed to prove your innocence?

YES _____ NO _____

a. If yes, who needs to recant their testimony or identification?

b. Do you have any reason to believe that this witness or these witnesses will now recant?

YES _____ NO _____

c. If yes, why?

31. Did you have any co-defendants?

YES _____ NO _____

a. If yes, did they plead guilty?

YES _____ NO _____

b. Did they go to trial?

YES _____ NO _____

c. Were they also convicted? YES _____ NO _____

d. Did any of your co-defendant(s) testify against you? YES _____ NO _____

32. Do you know who committed the crime(s) of which you were convicted? YES _____ NO _____

a. If yes, please provide that person's name and whereabouts (if known).

b. How do you know that this person is the true perpetrator?

33. Did you ever talk to the police, write or sign a statement? YES _____ NO _____

a. If yes, how many times did you talk to the police?

b. Were any of the conversations recorded? YES _____ NO _____

c. If yes, were the recordings by audio or video?
AUDIO _____ VIDEO _____

d. If there was a written statement, did you write the statement yourself, or did a police officer write the statement?

e. Did you sign a written statement?
YES _____ NO _____

f. Briefly describe what you told the police, or what the Commonwealth claims you told the police.

g. Were any of your statements *untrue*?
YES _____ NO _____

h. If yes, why did you tell the police something that was not true?

34. Before trial were any bodily fluids (such as blood or saliva), or any hair samples taken from you?
YES _____ NO _____

a. If yes, what samples were taken?

35. Did the Commonwealth use any of the following types of scientific evidence or expert opinion testimony at your trial? Please check all that apply.

_____ DNA Testing

_____ Blood Group Testing (A, B, O)

_____ Compositional Analysis of Bullet Lead (expert testified that bullets used in the crime matched other bullets which were connected to you)

_____ Fingerprints

_____ Handwriting Analysis

_____ Tool Mark Analysis (for example, an expert testified that a bullet used in the crime was fired from a specific firearm)

_____ Bite Mark Analysis (expert testified that a bite mark on the victim matched your teeth)

_____ Microscopic Hair Comparison (expert testified that a hair from the crime scene matched your hair)

_____ Fiber Analysis (for example, an expert testified that a fiber found at the crime scene matched a fiber from your clothing)

_____ Shaken baby syndrome (expert testified that a baby died as a result of being shaken)

_____ Cause of a fire (expert testified that a fire was set intentionally, or that an accelerant was used)

_____ Time of death (expert gave an opinion about the time the victim died)

_____ Cause of death (expert gave an opinion about what caused the victim to die)

_____ Other scientific or expert evidence. Please describe the type of evidence.

a. If you checked any item in Question 35, briefly describe how that evidence was used at trial. *(For example, an expert testified that the DNA results were inconclusive, or an expert testified that a hair found on the victim's clothing matched my hair).*

b. If you checked any item in Question 36, did your trial lawyer hire a defense expert to review the checked evidence or expert opinion?
YES _____ NO _____

c. If yes, did the defense expert agree or disagree with the Commonwealth's expert. Explain briefly

d. Did the defense expert testify at trial?
YES _____ NO _____

e. If yes, briefly describe the expert's testimony.

36. What evidence exists or might exist that could possibly establish your innocence. *(For example, physical evidence that can be subjected to new scientific testing, such as DNA testing; newly discovered physical evidence which establishes that you did not commit the crime; newly discovered witness who can establish that you did not commit the crime; discovery that key witness who testified against you at trial now says that his or her trial testimony was a lie or a mistake).*

a. Has this evidence ever been presented to a judge?
YES _____ NO _____

b. If yes, when was it presented (for example in a motion for a new trial)?

37. Since your conviction has any evidence been tested or examined by an expert? YES _____ NO _____

a. If yes, please explain.

38. If DNA evidence could establish your innocence, would you be willing to submit to a DNA test knowing that the test could confirm your innocence or prove your guilt in this case, and could also potentially prove your guilt in other cases? YES _____ NO _____

IV. Information About Appeals, New Trial Motions and Habeas Corpus Petitions

1. If there was a trial, was your conviction appealed?
YES _____ NO _____

2. What is the Appeals Court docket number? (Does not apply to first degree murder convictions).

3. If the Appeals Court affirmed your conviction, was a petition for further appellate review ("FAR") filed?
YES _____ NO _____

- a. If yes, did the Supreme Judicial Court ("SJC") agree to hear your case? YES _____ NO _____
4. If your appeal was heard by the SJC, what is the Supreme Judicial Court docket number? (*Applies to all first degree murder convictions, cases heard on further appellate review, and any other case heard by the SJC*).
- _____
5. If your case was appealed, please write your appellate lawyer's name, address and telephone number.
- _____
- _____
- _____
6. Has a motion for a new trial (a Rule 30 motion) ever been filed in the trial court? YES _____ NO _____
- a. If yes, is the motion pending or has it been decided?
- PENDING _____ DECIDED _____
- b. If a motion for a new trial has been filed, briefly describe all of the issues raised. (*For example, ineffective assistance of counsel, newly discovered evidence, prosecutorial misconduct*).
- _____
- _____
- _____
- _____
- c. If a motion for a new trial has been filed, did the defense ask the court for funds to hire an expert, to conduct scientific testing, or to investigate your case? YES _____ NO _____

d. Were any funds allowed? YES _____ NO _____

e. If yes, describe briefly the results of any further testing or investigation.

f. Was there an appeal of the decision on the motion for a new trial? YES _____ NO _____

g. If you were represented by a lawyer on your motion for a new trial, please write the lawyer's name, address, and telephone number.

7. Has a writ of habeas corpus been filed in federal court? YES _____ NO _____

a. If yes, is it pending, or has it been decided? PENDING _____ DECIDED _____

b. If the writ was *denied*, was the denial appealed? YES _____ NO _____

c. Is any appeal pending, or has it been decided? PENDING _____ DECIDED _____

d. Briefly describe what issues were raised in the habeas petition.

V. Documents to Include with Questionnaire

If you have any of the following documents, please send a copy with your completed questionnaire to the CPCS Innocence Program. Please do not send any other documents.

1. Defendant's appellate or post-conviction brief(s).
 - a. Include briefs filed in the Appeals Court and the Supreme Judicial Court.
 - b. Include briefs filed in support of the direct appeal of your conviction and briefs filed in support of an appeal of a decision on a motion for a new trial.
2. Any appellate decisions issued in your case.
 - a. Include any decision issued by the Appeals Court.
 - b. Include any decision issued by the Supreme Judicial Court.
3. Any motion for a new trial (Rule 30 motion) that is currently pending, or that has been decided. If the trial court issued a written decision on a motion for a new trial, include a copy of the decision.
4. A signed "Authorization for Release of Information and Communication with Current and Previous Legal Counsel."
(See last page of Questionnaire).

In addition to the documents listed above, please place a checkmark next to any of the following items that are in your possession and that you can make available to us upon request. Please do not send these until requested.

1. _____ Hearing Transcript(s) *(For example, confession suppression, evidence suppression, scientific admissibility)*

2. _____ Trial Transcript(s)

3. _____ Police Report(s) *(Please describe)*

4. _____ Laboratory Report(s) *(Please describe)*

VI. Authorization for Release of Information and Communication with Current and Previous Legal Counsel

I, _____, hereby authorize any
(print your name here)

and all entities and persons, including but not limited to, my current and former attorneys, to release to the Committee for Public Counsel Services ("CPCS") Innocence Program, its staff or student representatives, and/or such other attorney or screening entity as designated by the CPCS Innocence Program, any and all records, files, reports, correspondence, material and information of any kind related to the following case:

_____,
(print trial court docket number)

for which I am seeking CPCS Innocence Program services. I fully understand that there may be statutes, rules, and regulations that protect the confidentiality of some of the records, files, reports, correspondence, material and information covered by this release, and I understand that this release authorizes and directs my current and prior attorneys to disclose information to representatives of the CPCS Innocence Program and/or its designates that may be privileged and/or confidential. This authorization for release of information is made solely to permit the CPCS Innocence Program to evaluate my application for legal representation. Communications with the CPCS Innocence Program are protected by the attorney-client privilege and cannot be disclosed without my permission to anyone other than my prior and current attorneys.

I further understand that the CPCS Innocence Program is currently working in partnership with the New England Innocence Project to identify potentially meritorious innocence claims, and I, _____, hereby give the CPCS Innocence Program authorization, at its discretion, to designate the New England Innocence Project to review my application and to share any materials and information that I provide with the New England Innocence Project for the purpose of screening my case. I understand that, although the CPCS Innocence Program and the New England Innocence Project are two separate organizations, the CPCS Innocence Program may work collaboratively with the New England Innocence Project for the purpose of screening my case and determining whether counsel should be assigned. I further understand that in the event that a decision is made to assign counsel, the assignment will be made by the CPCS Innocence Program to a member the CPCS post-

conviction panel. I consent to have my case screened by both programs, and further authorize the CPCS Innocence Program to release any and all documents, correspondence, pleadings and other information contained in its file to the New England Innocence Project for this purpose. I likewise authorize the New England Innocence Project to release any and all information pertaining to the screening of my case to the CPCS Innocence Program, also for the purpose of screening my case and determining whether to assign counsel.

By my signature below, I represent that this Authorization for Release of Information and Communication with Current and Previous Legal Counsel is voluntary and given without any reservation.

PRINTED NAME

DATE OF BIRTH

SIGNATURE

DATE