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 lawyer's 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 _____
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)

___ Fingerprint Analysis

___ 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.
_________________________________________________________________________
_________________________________________________________________________
_________________________________________________________________________
e. If you were represented by a lawyer in the habeas petition, please write the lawyer’s name, address, and telephone number.

_______________________
_______________________
_______________________

8. Please list any other information that would be helpful for us to know about your case.

_________________________________________________________________
_________________________________________________________________
_________________________________________________________________
_________________________________________________________________
_________________________________________________________________
_________________________________________________________________
_________________________________________________________________
_________________________________________________________________
_________________________________________________________________
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.

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 __________________________