

Committee for Public Counsel Services

INNOCENCE PROGRAM

Thank you for your interest in applying for help from the CPCS Innocence Program. The purpose of this questionnaire is to help determine whether your case qualifies for assistance from our program.

This questionnaire has seven sections: A through G. Please answer as much as you can, but the questionnaire does not need to be complete to apply. If you cannot answer a question, please write "I don't know." If you don't understand the question, please write "I don't understand the question." If you need help completing this questionnaire, you can call us collect at **617-209-5666**. It is very important that you **sign the release on the last page of the questionnaire**.

Please note that the CPCS Innocence Program represents only **indigent** defendants who have been convicted of a **Massachusetts State Crime** and who are **factually innocent**. A defendant is indigent when the court determines that they cannot afford to pay for a lawyer themselves. A defendant is factually innocent when the person did not commit the act that the Commonwealth said they did, or if the act never happened. For example, you are factually innocent if a shooting occurred and a witness mistakenly identified you as the shooter, but you were not at the scene.

Filling out this questionnaire is the beginning of the application process. **However, the CPCS Innocence Program does not represent you unless and until the Program accepts your case.** We do not represent you, but everything you share with us is still confidential and cannot be shared without your permission.

INSTRUCTIONS:

This questionnaire has seven (7) sections. Fill out **as many questions as you can**. Then, be sure to:

- Sign** the release on the last page of the questionnaire (Part G).
- Do not send** us any other documents unless we ask for them (because you might not get them back).

- Mail** this questionnaire back to us at:
CPCS Innocence Program
21 McGrath Highway
Somerville, MA 02143

A: BASIC INFORMATION

1. Name and Inmate Number (if currently incarcerated):

2. Current Address:

3. Date of Birth:

4. What language(s) are you **most** comfortable speaking?

5. What is the **trial court docket number** of the case you are seeking help with?
(Please include county of conviction).

6. What crimes were you **convicted** of?
(For example, "first degree murder").

A	B	C	D	E	F	G
---	---	---	---	---	---	---

7. Are you innocent of **all** of these crimes?

8. What is your **sentence**?
(For example, "15-20 years.")

9. Are you currently serving time for any other convictions?
(If so, please explain.)

A	B	C	D	E	F	G
---	---	---	---	---	---	---

B: ARREST AND INVESTIGATION

1. **When** were you arrested?

2. **Where** did the incident that led to your conviction occur (e.g. City/Town)?

3. What **police department** investigated your case?

4. Were there any **other suspects** investigated by the police? If so:

(a). Do you know why the police stopped investigating them?

(b). Do you know why **you** became a suspect?

A	B	C	D	E	F	G
---	----------	---	---	---	---	---

5. Identification Procedures

Please check the box next to any identification procedure used in your case.

- Photo Array**
A photo array is when the police show a witness a set of photographs and the witness picks out one of them as the suspect.
- Show Up**
A show up is when the police present a single person or photograph to an eyewitness and ask the witness whether this is the suspect.
- Lineup**
A lineup is when the police show a witness several people lined up next to each other in the police station, and the witness picks out one of them as the suspect.
- In-Court Identification**
In-court identification is when, at a court hearing or other event, a witness identifies the defendant as the perpetrator of the crime.

6. Police Interrogation Methods

If you were interrogated by the police, please check the boxes next to any statements that apply to your interrogations or “confessions” to the police.

- My interrogation lasted for a long time.
- My interrogation was videotaped or otherwise recorded.
- I felt coerced or pressured into “confessing.”
- I was suffering from mental illness, drug or alcohol intoxication/withdrawal, or otherwise impaired at the time of my interrogation.
- I was a juvenile (<18 years old) at the time of my interrogation.
- I wrote a written statement “confessing” to the crime.
- I signed a statement prepared by the police in which I “confessed.”

A	B	C	D	E	F	G
---	----------	---	---	---	---	---

7. What did you tell the police?

7(a). What did the police claim or testify that you told them?

8. Was any of what you told the police not true? Explain.

9. Before the trial, was any **DNA** or other biological samples taken from you?
(For example, blood, saliva, or hair.)

10. Was any physical evidence taken from you?
(For example, clothing or fingerprints.)

11. Is there anything else we should know about your arrest or the investigation?

A	B	C	D	E	F	G
---	---	---	---	---	---	---

C: TRIAL INFORMATION

1. Were you convicted as a **joint venturer**?

(A joint venture is when the Commonwealth says you helped commit the crime with other people.)

(a). Who were your joint venturers?

(Joint venturers are the people that the Commonwealth says you helped commit the crime.)

(b). Were you charged along with any codefendants?

(c). Were your co-defendants or joint venturers convicted too?

2. Did you have a **trial**?

A	B	C	D	E	F	G
---	---	----------	---	---	---	---

3. Was it a **jury trial** or a **bench trial**?

(A jury trial has both a jury and a judge, and a bench trial is a trial with only a judge and no jury.)

4. Did you **plead guilty**?

(a). Why did you plead guilty?

5. Did **you testify** at trial? If so, briefly summarize what you said at trial.

6. Did any **informants** or **snitches** testify against you at trial?

7. Did the **victim** or **alleged victim** of the crime testify?

8. Do you have an **alibi** that proves that you could not have committed the crime?

(An alibi is proof that you were **somewhere else** when the crime happened.)

9. What is your alibi?

A	B	C	D	E	F	G
---	---	----------	---	---	---	---

10. **Did the jury know** about this alibi?

(For example, "No, my lawyer never talked about it at trial.")

11. Was any **forensic or scientific evidence** used in your trial? What kind?

(For example, DNA, fingerprints, or fire investigation.)

12. Do you know of any **evidence** that could **prove your innocence**?

(For example, physical evidence that could be tested with new scientific methods, or new physical evidence, or a new witness. A method, evidence, or eyewitness is "new" or "newly discovered" if it was not known by you at the time of trial.)

- New** fact witnesses.
- New** scientific evidence.
- Changes** in science.
(For example, arson, "shaken baby syndrome," hair analysis).
- New** physical evidence.
- Physical evidence that has **not yet been tested**.
- Medical** evidence.
(For example, time of death, cause of death, description of wounds.)
- Other** (please explain).

A	B	C	D	E	F	G
---	---	---	---	---	---	---

13. **When** did you learn about this evidence?

14. Has this evidence ever been shown to a **judge**?

15. Would you be willing to take a DNA test to prove your **innocence**, knowing that **it could also prove your guilt** in this case or other cases?

16. Is there anything else we should know about your trial or plea?

A	B	C	D	E	F	G
---	---	----------	---	---	---	---

6. Is there anything else we should know about your appeal or post-conviction work?

A	B	C	D	E	F	G
---	---	---	---	---	---	---

E: CURRENT AND FORMER LAWYERS

1. Do you **currently** have a lawyer?

2. What is their name, address, and telephone number?

3. Did you **hire** this lawyer? If not, were they **appointed** to you by the court because you couldn't afford to hire one (an appointed lawyer is sometimes referred to as a public defender or bar advocate). Or, did a lawyer agree to take your case **pro bono**? Pro bono means that a lawyer who usually is paid directly by clients agreed to take your case for free.

(a). This lawyer was:

Appointed or Pro Bono

Hired

4. What is the name of the lawyer who represented you **at trial or for your plea**?

(a). This lawyer was:

Appointed or Pro Bono

Hired

A	B	C	D	E	F	G
---	---	---	---	----------	---	---

5. If you appealed your case, what is the name of the lawyer who represented you in **your appeal**?

(a). This lawyer was:

- Appointed *or* Pro Bono
- Hired

6. If you've ever had a **motion for a new trial, or a motion to withdraw your guilty plea**, what is the name of the lawyer who represented you in this motion?

(a). This lawyer was:

- Appointed *or* Pro Bono
- Hired

7. Who was your most recent lawyer?

(a). This lawyer was:

- Appointed *or* Pro Bono
- Hired

8. Have you ever applied to any **other innocence organizations**? Which ones?
(For example, the New England Innocence Project or the Innocence Project.)

(a). Are they **currently** involved with your case?

A	B	C	D	E	F	G
---	---	---	---	---	---	---

F: YOUR PERSPECTIVE

The purpose of the following two questions is to allow you to tell us things that you think are important, but that didn't come up in any of the other questions. If you don't have anything else you want to tell us, that is okay.

1. In your own words, **what happened** in your case? What do you think needs to be done to prove your innocence?

2. Is there anything else you want to tell us?

A	B	C	D	E	F	G
---	---	---	---	---	----------	---

G: AUTHORIZATION FOR THE 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 currently works in partnership with the New England Innocence Project (NEIP) and the Boston College Innocence Program (BCIP) to identify potentially meritorious innocence claims, and I,

_____, hereby give the CPCS Innocence Program authorization, at its discretion, to designate NEIP and/or BCIP to review my application and to share any materials and information that I provide with NEIP and/or BCIP for the purpose of screening my case. I understand that, although the CPCS Innocence Program, NEIP, and BCIP are separate organizations, the CPCS Innocence Program may work collaboratively with either or both organizations for the purpose of screening my case and determining whether counsel should be assigned. I further understand that

A	B	C	D	E	F	G
---	---	---	---	---	---	----------

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 NEIP and/or BCIP for this purpose. I likewise authorize NEIP and/or BCIP 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

I further authorize the CPCS Innocence Program to enter my name into the CPCS conflict check system so as to assure that they have no conflict of interest in looking into my case.

SIGNATURE

DATE

A	B	C	D	E	F	G
---	---	---	---	---	---	---