Conviction Integrity Committee (CIC)- 278A Motion Review Process

278A motion

- Defense counsel submits 278A motion before filing- includes letter requesting review by CIC
- Motion treated separately and independently from appeals of conviction(s)

Assign

- Appellate prosecutor and trial prosecutor who have had no prior direct involvement with the case are assigned to handle the 278A motion
- If motion filed with the Court, ADA files extension of time if needed

Locate Case Files • Search for disposed trial files (archives, Appeals & Training Bureau, trial prosecutor)

Confirm
Location of
Evidence

- Confirm location of evidence and chain of custody
- If defense counsel is unable to locate evidence, after demonstrating a diligent search, determine other potential locations or efforts that could be made

Review

- Innocence Program staff and appellate prosecutor assigned review all necessary information- facts, procedural history, 278A motion, history of testing
- Develop a summary to present to CIC

Present

- Appellate prosecutor presents to CIC
- CIC may request additional info from defense counsel
- CIC makes recommendation

Respond

- •If agreement to testing, assent to motion and ADA works with defense counsel on proposed order for post-conviction testing
- •If testing opposed, ADA files response

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