

G.L. c. 278A Information

Background

- o Procedural History (date of offense, city/town, investigating departments, charges, trial ADA, trial DC, trial judge, date of trial, date of conviction, convictions, sentence, postconviction proceedings, D's liberty status)
- o Statement of the Facts (Commonwealth's case; D's case / theory of defense at trial)

Testing Information

- o that the evidence sought to be tested exists
- o location of the evidence and/or steps taken to locate the evidence
- o what's known about the chain of custody of the evidence
- o the name and description of the requested forensic or scientific analysis
- o information demonstrating that the requested analysis is admissible

Justification for Postconviction Testing

- o Explain why evidence was not subjected to the requested analysis – § 3(b)(5)
 - the requested analysis had not yet been developed at the time of the conviction;
 - the results of the requested analysis were not admissible in the courts of the commonwealth at the time of the conviction;
 - the moving party and the moving party's attorney were not aware of and did not have reason to be aware of the existence of the evidence or biological material at the time of the underlying case and conviction;
 - the moving party's attorney in the underlying case was aware at the time of the conviction of the existence of the evidence or biological material, the results of the requested analysis were admissible as evidence in courts of the commonwealth, a reasonably effective attorney would have sought the analysis and either the moving party's attorney failed to seek the analysis or the judge denied the request; or
 - the evidence or biological material was otherwise unavailable at the time of the conviction.
- o Explain how the requested analysis has the potential to result in evidence that is material to the moving party's identification as the perpetrator of the crime