

## FREQUENTLY ASKED QUESTIONS

### What is a Conviction Review Unit?

Q: What is the purpose of the Conviction Review Unit (CRU)?

A: The purpose of the CRU is to identify whether innocent defendants have been wrongfully convicted. In the case of a wrongful conviction, the CRU works to promptly remedy the conviction.

Q: Is the CRU part of the State Attorney's Office?

A: Yes. The CRU is a specialized unit within the office. The CRU is staffed with dedicated attorney(s), investigators, and support staff.

Q: What kind of cases does the Conviction Review Unit review?

A: The CRU reviews any felony conviction where there is a plausible claim of innocence. The CRU prioritizes cases where the petitioner is incarcerated and was convicted of a serious and/or violent felony. The claim must be capable of being substantiated by credible, factual information/evidence not previously considered by the original fact finder (either jury or judge).

Q: What if my case is pending an appeal, will the CRU review it?

A: No, your conviction must be in the procedural posture that the direct appeal has become final, post-conviction motions have already been ruled on, and there is **no pending litigation**.

### How to Begin the CRU Screening Process?

Q: How do I request a review of my conviction?

A: Please fill out the petition available on this page and send the petition electronically or in printed form. If you are represented by an attorney, please consult your attorney prior to submitting a petition. Please keep in mind that if you are represented by an attorney, the CRU will communicate only with your attorney about your case.

Q: Will all claims of actual innocence be reviewed?

A: The CRU screens all petitions to determine whether there are plausible claims of actual innocence. For petitions that pass this initial screening, the CRU reviews the case further and may begin an investigation to explore the petitioner's claim thoroughly.

Q: Can I apply for a review of my case if I entered a plea agreement?

A: Yes. The CRU reviews and investigates claims of actual innocence for cases resolved by guilty verdicts at trial and guilty or no contest pleas. Depending on the facts of the case, guilty pleas may be given a heightened level of scrutiny.

Q: What information is needed for the CRU to begin investigating a case?

A: The CRU's determination whether to review and investigate a conviction depends on the facts and circumstances of the case, including the evidence presented at trial, and new information or evidence that was not presented at trial.

Q: Does the CRU review cases where there is forensic evidence available for DNA testing?

A: Yes, however all appropriate motions need to be completed and ruled on first. Have you filed a 3.853 Motion for DNA Testing prior to submitting this petition? The CRU considers other factual issues that may be present, whether or not DNA evidence exists. Further, requesting review of your case by our office **does not toll the time** you have to pursue post-conviction remedies, such as to file an appeal or post-conviction motions. You need to pursue those remedies first.

Q: I am concerned about the sentence that was imposed in my case. Will the CRU review sentences?

A: No, the CRU does not review lawful sentences. You may have other legal remedies to address sentencing issues and we encourage you to consult with an attorney.

### **How Does the CRU work?**

Q: What happens after I submit a petition?

A: The CRU will confirm that it received a petition. The CRU screens the petition and will let you know whether the petition has been selected for review or whether additional information is needed.

Q: How quickly will petitions be processed?

A: We will make every effort to process the petition and communicate to you about the status of your petition in a timely fashion. Please keep in mind the length of this process will depend on many factors, including the age and complexity of the case, the information available, and the number of petitions to be processed.

Q: If my case passes the screening process and is selected for review, will the CRU keep me informed of the status of the review?

A: Yes, where possible and appropriate. The CRU will attempt to keep you informed during the review process and will inform you when a final decision has been made. The CRU

reserves the right to determine what information should be provided to you during the course of the review.

Q: Will I be exonerated if the CRU agrees to review my case?

A: No. The decision to review a petition means that the CRU is prepared to explore your claim of innocence **but it does not mean that the CRU agrees with the validity of the claim or has exonerated you.** Only after completing a thorough investigation will the CRU be able to make any such determination.

Q: Must I solve the case in order to get relief?

A: No. The CRU exists to correct convictions of innocent people. A person can get relief even if the true offender is never identified or prosecuted for the crime.

Q: If I disagree with the CRU's conclusions, what rights do I have for further review?

A: The existence of the CRU does not create or confer any right on those who bring claims of actual innocence. For this reason, there is no right to appeal its determinations. Because CRU investigations are not part of a court proceeding, the CRU's decisions or recommendations do not prevent a petitioner from raising the same claims of innocence in another forum, such as through a petition brought under the Florida Statutes for post-conviction relief.

Q: What is the role of the Independent Review Panel?

A: The Independent Review Panel (IRP) consists of outside legal experts who serve as consultants to the CRU during and at the conclusion of the investigation. The purpose of the IRP is to make findings and/or recommendations to the State Attorney regarding cases reviewed by the CRU.

Q: What can I do to speed up the process?

A: Each petition takes time to review. The most effective way for you to speed up a review is to **fill out the petition thoroughly.** One of the biggest factors that slows down a review is having to track down information. Please provide full names and current addresses for all the witnesses mentioned as well as correct dates and case numbers. Do not send incomplete petitions. If an incomplete petition is received, we will not review your case until you send the missing information. This slows down everything.

### **Additional Information**

Q: Is the CRU affiliated with the Innocence Project?

A: No, the CRU is part of the State Attorney's Office. However, the CRU will work with

the Innocence Project or similar organizations when they are representing a petitioner.

Q: Does the CRU represent me as my attorney?

A: No, the CRU is part of State Attorney's Office. For this reason, the **CRU attorneys are not able to provide you with legal advice**. If you desire representation or legal advice, you should consider hiring private counsel, contact the public defender's office, or seek the assistance of an Innocence Project or similar organization.

Q: Does it cost me any money to have my case reviewed?

A: No, the CRU does not charge for this service.

Q: What if I have questions not answered here?

A: Please contact the CRU at [convictionreview@sao17.state.fl.us](mailto:convictionreview@sao17.state.fl.us) for additional information. However, the CRU cannot provide legal advice or act as your legal representative. If you need legal advice regarding a prior conviction, we encourage you to consult with an attorney who specializes in post-conviction litigation.