



Office of the State Attorney
Harold F. Pryor
17th Judicial Circuit of Florida
Conviction Review Unit

Petition for Conviction Review

Complete this form to apply to our office to have a conviction reviewed. All information must be provided. Please provide copies of any documents that support your application. **Do not send original documents** or your only copy of any document. This form and supporting documents may be uploaded or mailed to:

**Office of the State Attorney
Conviction Review Unit (CRU)
201 SE 6th St., Suite 07130
Fort Lauderdale, FL 33301-3360**

(Where “petitioner” is indicated, provide defendant’s information. A section has been provided for additional information if the applicant is not the petitioner/defendant).

The SAO Conviction Review Unit (CRU) will review cases that meet the following criteria:

1. The conviction must have occurred in the 17th Judicial Circuit of Florida (Broward County).
2. The case must have been prosecuted by the Broward State Attorney’s Office. (Cases prosecuted by the Office of Statewide Prosecution or by the federal government are not eligible for review by this office).
3. The petitioner must present a claim of actual innocence (he/she did not commit or participate in the crime).
4. The conviction must be a felony, with the highest priority of review for individuals who are incarcerated and have been convicted of serious felonies.
5. The claim must be supported by information or evidence not previously litigated before the original trier of fact (judge or jury).
6. The claim must be capable of being investigated and resolved, and if substantiated, would bear directly on the issue of innocence.
7. The 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.

8. The claim must be dispositive (a fact that determines the issue) and not frivolous.
9. The Conviction Review Unit (CRU) does not review lawful sentences.
10. The CRU gives less weight to affirmative defenses, claims, or information/evidence that was previously litigated before the original finder of fact (judge or jury).
11. Acknowledgment of receipt of the petition by the State Attorney's Office does not indicate acceptance of the case for investigation, or the validity of the claim of innocence.
12. A plea of guilty is not a bar to review, but will be subjected to a higher level of scrutiny.

Important: The State Attorney's Office cannot provide legal advice. Please consult with an attorney prior to submitting a petition if you need assistance or have any questions regarding anything contained in this petition. If you are currently represented by an attorney, the CRU will only communicate with your attorney. You should consult your attorney prior to submitting your petition.

Initial after each statement below to indicate your understanding and agreement:

1. Acknowledgment of receipt of the petition by the State Attorney's Office does not indicate acceptance of the case for investigation, nor does it infer acceptance of the validity of the claim of innocence. _____
2. Requesting review of your case by our office does not toll (suspend or stop) the time you have to pursue post-conviction remedies, such as file an appeal or post-conviction motions. You need to pursue those remedies separately. _____
3. I understand this is an extrajudicial process and there is no right of appeal from a declination (denial) by the CRU. All decisions made by the CRU, including the decision to accept a petition regarding reopening a case investigation, as well as how the claim will be investigated and resolved, are at the sole discretion of the Broward State Attorney's Office. _____
4. I understand a petition may be rejected after preliminary review or at any point in the process. A petition may be reviewed by State Attorney's Office prosecutors or other employees, investigators, interns, and/or internal review panels. All decisions are at the sole discretion of the elected State Attorney and/or Executive Staff. There is no right to appeal these decisions.

5. I understand that the State Attorney's Office cannot provide legal advice, they do not represent me. The attorney-client privilege does not apply to any information I provide to the CRU in this form or any other communication. _____

**IF YOU ARE CURRENTLY REPRESENTED BY COUNSEL, THIS FORM
MUST BE SUBMITTED BY YOUR ATTORNEY.**

Please complete this petition in its entirety. If you have supporting documents, please upload them or provide copies by mail, if possible, or indicate that you have such documents. Do not send your originals or the only copies you have.

6. Date Completing Petition: _____/_____/_____

7. Primary Language: _____

8. Convicted Person's Name: _____

9. Date of Birth: _____/_____/_____

10. Florida D.O.C. Number: _____

11. Convicted Person's Address or Location in D.O.C.:

12. Are you currently represented by an attorney? If so, please provide current attorney's name and contact information.

13. Please list any additional attorneys who have worked on your case, starting with your most recent. Please provide previous attorney's name and contact information:

**Important: If you are currently represented by an attorney,
the CRU will only communicate with your attorney.
Your attorney must submit this petition on your behalf**

14. If this form is filled out by someone other than the defendant/petitioner, list your name, your relationship to the defendant/petitioner and contact information (phone, e-mail and mailing address):

PETITIONER'S CASE INFORMATION

15. State Court Case Number: _____

16. What is the date the crime occurred: ____/____/____

17. What is the date you were arrested: ____/____/____

18. What is the date you were convicted: ____/____/____

19. Charge(s) on conviction:

20. Sentence received:

21. Name of attorney who represented you at trial or plea:

22. Name of judge who sentenced you:

23. Are you still serving your sentence from this conviction? (If yes, please answer the questions below): _____

Are you in prison? _____

Are you on probation? _____

Are you on parole? _____

24. How were you convicted? (check one):

- Jury Trial
- Bench Trial
- Guilty Plea

Prior Post-Conviction Appeals

25. Do you have an active appeals or post-conviction motions? _____

26. If yes, please provide the case number: _____

27. If yes, what court is it in?

- Trial Court
- Florida Court of Appeal
- Florida Supreme Court
- Federal District Court
- 11th US Circuit Court of Appeals
- US Supreme Court

28. Have you filed any post-conviction motions before in this case?

- Yes
- No

29. If yes, provide case information:

30. Is the conviction currently being challenged on appeal?

- Yes
- No

31. If yes, please provide the case number and claims raised:

32. Are you serving a sentence based on additional cases? If so please **list all of your pending case** numbers?

Are the below responses a basis for your petition for review?

Please indicate whether or not the below responses are applicable.

33. Actual innocence (I did not commit the crime):

- Yes
- No

34. Mitigating Factors:

- I did some of what I was convicted for but not all of it.
- I did something illegal but I was drunk or high at the time of the incident.
- I did something illegal but I have an illness.
- I did something illegal because I was forced to do it by someone else.

I did something illegal but I got too much time in prison.

35. The witness/informant has recanted or changed their testimony:

Yes

No

36. I have an alibi?

Yes

No

37. If yes, please provide the alibi information:

38. There is new evidence that proves my innocence that wasn't available when I went to trial or entered my plea.

Yes

No

39. If yes, please explain:

40. There is new evidence that shows my trial was unfair that wasn't available when I went to trial or entered my plea.

Yes

No

41. If yes, please explain in detail:

42. There was scientific testimony or expert witness testimony at my trial that was wrong or has been discredited.

Yes

No

43. If yes, please explain in detail below:

44. The police officer in my case has been arrested:

Yes

No

45. If yes, what is the officer's agency, name and badge number?

46. How do you believe this impacts your case?:

47. Other:

48. Additional space for the basis of the petition:

49. Did you give a statement to the police?

- Yes
- No

50. Did you testify at trial?

- Yes
- No

51. Was there DNA evidence?

- Yes
- No

52. Was all DNA evidence in your case tested?

- Yes
- No

53. Is there any other pending litigation that involves the same subject matter as your criminal case?

- Yes
- No

54. If yes, please explain type and any associated case number:

55. Has the petitioner filed a 3.853 motion for DNA testing pursuant to Florida Statute, Section 925.11?

- Yes
- No

56. If yes, please provide status information.

57. Have you contacted an innocence organization/project about your case?

- Yes
- No

58. If yes, which organization and have they started an investigation into your case?

59. Do you give the Innocence Project of Florida or any other innocence organization permission to share information from their review of your case with the CRU?

- Yes
- No

Claimant/Declarant: Please write/type your full legal name and sign

60. How were you wrongfully convicted?

61. What new information or evidence, if any, exists that was not known at the time of trial?

62. Do you know of anything new about your case that you didn't know when you went to trial or pleaded guilty? (Has a witness changed his story, or do you think they will? Has someone else confessed to the crime? Do you know about new evidence? Please include as many details as possible.)

63. Do you have information about who may have committed the crime?

Information about evidence in your case:

Please answer the following questions.

64. Police said I confessed to them but I did not.

- Yes
- No

65. An eyewitness or victim identified me but got it wrong.

- Yes
- No

66. An eyewitness or victim identified me from a show-up.

- Yes
- No

67. An eyewitness or victim identified me from a photo array or photo lineup.

Yes

No

68. An eyewitness or victim identified me from a live lineup.

Yes

No

69. An eyewitness or victim identified me for the first time in court.

Yes

No

70. The witness or informant who testified against me lied.

Yes

No

71. The witness or informant who testified against me had a deal with the State I just learned about.

Yes

No

72. If yes, please explain the deal and how you learned of it:

73. Police said they found my fingerprint at the crime scene.

Yes

No

74. Police said they found my hair at the crime scene.

Yes

No

75. Police said they found my blood at the crime scene.

Yes

No

76. Police said they found other of my body fluids (semen, spit, sweat) at the crime scene.

Yes

No

77. Police said the victim's DNA was on me.

Yes

No

78. Police said I had the victim's property or other belongings.

Yes

No

79. Explain in detail why you are innocent of this crime. If you were somewhere else when the crime happened, tell us where you were and what you were doing. If you don't think a crime really happened, please tell us why you believe that.

80. Please explain what you were doing the day of the incident and how you came to be arrested.

81. Please list the names and phone numbers of witnesses, alibis, or any other person you think can provide relevant information.

82. Finally, provide any other information you think would be helpful in reviewing your case. Include contact information (name, phone numbers, addresses and e-mail) for any person you think could provide information that could assist in your claims or verify information you provided:

Acknowledgement

Please initial after each statement you accept or agree with.

83. The Conviction Review Unit is a program of the State’s Attorney’s Office: _____

84. I understand I am providing information to a prosecutor’s office and that any statements here are provided voluntarily: _____

85. I understand my statements on this Petition can be used against me if I have lied or provided false information: _____

86. No one has promised me anything to fill out this Petition: _____

87. I understand the Conviction Review Unit reviews cases based on its own standards and my case may or may not be reviewed or investigated: _____

88. I understand the Conviction Review Unit may contact any of the people or witnesses I have listed here to talk with them about my conviction: _____

Disclaimer:

Please be advised that this office does not represent you. We are unable to give you legal advice, and the attorney-client privilege does not apply to any information you provide to us in this form or any other communication.

Under penalties of perjury, I declare that I have read the foregoing petition and that the facts stated in it are true.

Date: _____/_____/_____

Claimant/Declarant: Please write/type your full legal name and sign

Submitting this Petition:

You can submit this petition below by printing this application and mail it directly to the CRU along with other supporting documents to the following address:

Office of the State Attorney
Seventeenth Judicial Circuit
Attn: Conviction Review Unit
201 SE 6th St., Ste., 07130
Fort Lauderdale, FL 33301-3360

Please be sure to provide a coversheet with your contact information.

Please note that your petition may be subject to Florida public records laws. Please note that under Florida law, email addresses are public records. If you do not want your email address released in response to a public records request, do not submit this form via email. Instead, download this form and mail it to the address above.