



Application for consideration for the exoneration project

Name: _____

Prison: _____

Eligible Release Date ____/____/____ ☐ **LIFE**

NOTE: The University of Sydney Not Guilty Project reviews cases for the sole purpose of investigating claims of actual innocence. We do not act as legal counsel to any person whose case is being investigated.

Information About Your Case and the Crime

In order to make a decision about whether we will be able to assist you, it is important that we know as much as possible about your case and the crime that resulted in your conviction. Please complete this questionnaire (and any additional forms included) and return them to us as quickly as possible. Answer every question as fully as possible; you may use additional sheets of paper if you need more space. Where necessary, use D/K for Don't Know or N/A for Not Applicable to your case. Please send us as many as possible of the documents requested on the last page of this questionnaire.

GENERAL INFORMATION

Full Name: _____

Any Aliases: _____

Date of Birth (DD/MM/YYYY): _____

Prisoner identification number (eg MIN): _____

Do you identify as Aboriginal/ Torres Strait Islander?

No / Aboriginal / TSI / both

What is your first language? _____

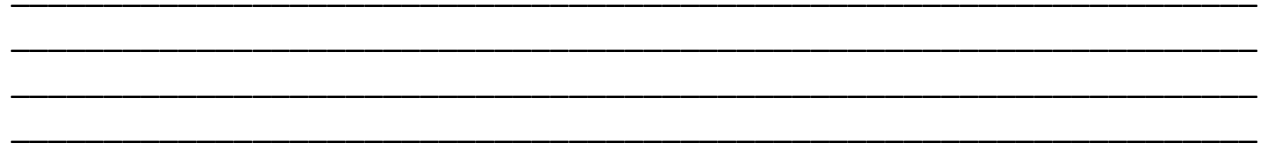


THE CRIME

In the space provided below, please describe the crime(s) you were convicted of. Whether or not you were in any way involved you would, by now, know a great deal about the case. So please give us a description of what the court found happened, when it happened, where it happened and all persons involved. Use additional sheets if necessary.

1. Please state the crime(s) for which you are claiming innocence & the date and time of day the crime happened, according to the court's decision. Please include the victim's name and age at the time of the crime(s).

2. Where did the court find the crime took place? (City, address, or location.) If you know anything about that place, whether from your own knowledge or from evidence in the case, please describe the scene as best you can. Note any unusual weather conditions.

[illegible][illegible]



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5. Describe what you say actually happened, if anything.



POLICE, LAWYER AND COURT INFORMATION

Arrest and Investigation

7. Date and place of your arrest:

8. Investigating police: *(Name, Station or Command, Address):*

Trial or plea of guilty

9. Were you convicted: *(please check one)*

☐

At Trial

☐

Following a plea of guilty

10. If you pleaded guilty was it: *(please check one)*

To the offence(s) you were charged with originally

☐

To a lesser offence(s) after a plea bargain

☐

11. In what Court were you convicted? _____

What was the Court Case Number(s)? _____

When were you convicted?

12. What was the name of the trial or sentencing judge? _____

13. Who were your barrister and solicitor? *(Name, Firm, Address, Telephone)*



If you had different barristers and or solicitors at different points in the proceedings (including committal), please list all such lawyers and indicate at which point they represented you.

a. Was your trial barrister or the barrister who was advising you if you pleaded guilty: (please check one)

☐

chosen by you

☐

chosen by your solicitor

☐

chosen by legal aid

☐

a Public Defender

b. When was the first time you spoke to your barrister?

14. Who was the Crown Prosecutor: (Name, Address, Telephone)



15. List the name(s) of any co-accused(s) in your case and tell us whether their charges were dropped, they were acquitted, they were convicted, or they pleaded guilty:

(please check one box for each co-defendant)

Co-Accused #1:

Name: _____

☐ Charges Dropped ☐ Acquitted at Trial ☐ Convicted at Trial ☐ Pledaded Guilty

Co- Accused #2:

Name: _____

☐ Charges Dropped ☐ Acquitted at Trial ☐ Convicted at Trial ☐ Pledaded Guilty

Co- Accused #3:

Name: _____

☐ Charges Dropped ☐ Acquitted at Trial ☐ Convicted at Trial ☐ Pledaded Guilty

Co- Accused #4:

Name: _____

☐ Charges Dropped ☐ Acquitted at Trial ☐ Convicted at Trial ☐ Pledaded Guilty

Co- Accused #5:

Name: _____

☐ Charges Dropped ☐ Acquitted at Trial ☐ Convicted at Trial ☐ Pledaded Guilty



Appeal and post-appeal applications

16. Has there been an appeal against your conviction? ☐ Yes ☐ No

17. If Yes:

In what court was the appeal heard?

Date appeal filed: _____ Date appeal decided: _____ ☐ Decision pending

What issues were raised in your appeal?

If No:

Were you advised of your right to an appeal? _____

Did you decide not to appeal after your conviction? _____

If you decided not to appeal, why didn't you appeal?

18. Who was your Appellate barrister? (Name, Address, Telephone)



a. Was your appellate barrister: *(please check one)*

☐

chosen by you

☐

chosen by your solicitor

☐

chosen by legal aid

☐

a Public Defender

19. Appellate Lawyer for the Crown: *(Name, Address, Telephone)*

20. Since your trial or appeal, have you or anyone on your behalf filed any other post-conviction applications such as for a review of the case or for a pardon?

☐

Yes

☐

No

If yes, please indicate in what court (including federal or state), or to whom, the application was filed, if there was a hearing, the decision and the date decided.

If yes, what issues were raised in your post-conviction applications?



ABOUT YOUR CASE

21. List each of the crimes of which you were convicted and for each, the sentence imposed. Please describe the defense raised at trial for each crime:
(For example, that you were wrongfully identified as the assailant by an eyewitness.)

Crime:

Sentence:

Date you become eligible for parole:

Date your last sentence ends:

Defence:

Crime:

Sentence:

Date you become eligible for parole:

Date your last sentence ends:

Defence:



Crime:

Sentence:

Date you become eligible for parole:

Date your last sentence ends:

Defence:

Crime:

Sentence:

Date you become eligible for parole:

Date your last sentence ends:

Defence:



22. Did the investigating police ever interview you?

☐ Yes ☐ No

If Yes,

a. How many times were you interviewed? _____

b. Where, when and how long were the interviews?

c. Were you offered the opportunity to speak with a lawyer before the interview? ☐ Yes ☐ No



d. If you are ATSI, did the police contact an Aboriginal Legal Service before you were interviewed? ☐ Yes ☐ No

e. Did you ask to speak with a lawyer before the interview? ☐ Yes ☐ No

f. Did you speak with a lawyer before the interview? ☐ Yes ☐ No

g. If so, what advice did they give you? Did you follow that advice? If not, why not?

d. Did you sign papers during the police interview? ☐ Yes ☐ No

If Yes, what did you sign?

e. Did you sign papers after the interview? ☐ Yes ☐ No

If Yes, what did you sign?



23. Did you make a statement ☐ Yes ☐ No

If Yes,

a. To whom did you give the statement?

b. Was your lawyer with you when you made the statement? ☐ Yes ☐ No

c. Was it a written statement? ☐ Yes ☐ No

If Yes, did you sign it? ☐ Yes ☐ No

d. Why did you give a statement?

Why you say you are innocent

24. Please explain why you are innocent.

[illegible]

[illegible]

[illegible]



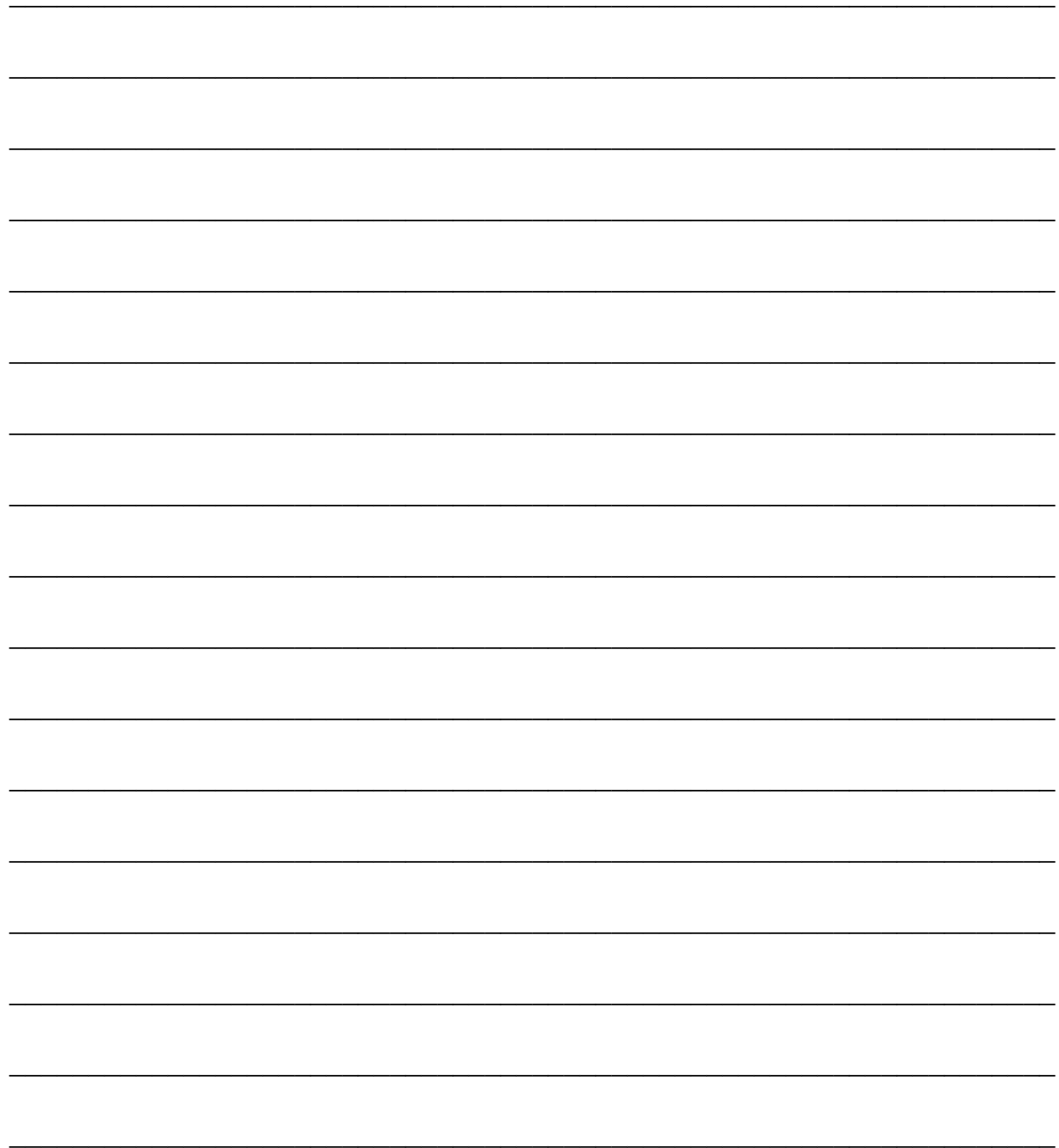
b. Do you have some way to prove the alibi? ☐ Yes ☐ No

c. Was it offered at trial? ☐ Yes ☐ No

If No, why not?

26. List the evidence or testimony brought out at trial that you believe supports your claim that you are innocent.

If any of this evidence or testimony was incomplete, indicate the additional information you believe might be obtained and why it was not presented at trial.



brought out at trial, (b) came to light after trial, or (c) is potentially new evidence you believe might be found with thorough investigation.



Person's Name:



Did the person testify at trial?

If not, please explain why

Person's Name:

What does s/he know:

Did the person testify at trial?

If not, please explain why

Person's Name:

What does s/he know:



Did the person testify at trial?

If not, please explain why

Person's Name:

What does s/he know:

Did the person testify at trial?

If not, please explain why



Person's Name:

What does s/he know:

Did the person testify at trial?

If not, please explain why

PHYSICAL AND FORENSIC EVIDENCE

29. Were any fingerprints discovered during the investigation of your case?

☐ Yes ☐ No

If Yes, please explain.



30. Were any bodily fluids, hair samples or trace/contact DNA¹ samples (e.g., vaginal swabs, anal swabs, blood, or saliva) obtained from the victim?

☐ Yes ☐ No

If Yes, what samples were obtained?

31. Were any bodily fluids, hair samples or trace/contact DNA samples obtained from you?

☐ Yes ☐ No

If Yes, what samples were obtained?

32. Were bodily fluids, hair samples or trace/contact DNA samples found at the crime scene? ☐ Yes ☐ No

¹ Trace or contact DNA can be from any type of cell, such as skin, saliva or blood which is found in a small or trace quantity such that the exact type of cell may not be known. It can be left by contact between a person, or something which has come in contact with a person, and another person or object.



If Yes, what was found?

33. Were any bodily fluids, hair samples or trace/contact DNA samples found on the victim's clothing? ☐ Yes ☐ No

If Yes, what was found?

34. Was any testing done on the bodily fluids, hair samples or trace/contact DNA samples? ☐ Yes ☐ No

If Yes,

a. What type of testing was done?

b. Who arranged for the testing?

☐ Prosecution ☐ Defence



☐ Other _____

c. Who conducted the test? *Please provide the name, address and telephone number if you have it.*

d. Was a second test done? ☐ Yes ☐ No

If Yes,

i. What type of testing was done?

ii. Who arranged for the testing? ☐ Prosecution ☐ Defense

☐ Other _____

iii. Who conducted the test? *Please provide the name, address and telephone number if you have it.*

35. Was testing done on all of the physical/biological evidence recovered during



the investigation of your case? ☐ Yes ☐ No

If No, what was not tested?

36. What test results were used at your trial?

What did those test results show?



37. Were all of the test results used at trial?

☐

Yes

☐

No

If No, what did the unused test results show?

38. List any item or items of evidence you believe should have been submitted to DNA or other testing and indicate how you believe that test will show that you are innocent:



Why was each such item not tested or not used at trial?

39. Are you willing to have your DNA run against the national DNA database?

☐ Yes

☐ No

If No, why not?



WITNESS/TESTIMONY INFORMATION

40. Did you testify at trial?

☐

Yes

☐

No

If "No," why not?

41. Did the victim(s) identify you?

☐

Yes

☐

No

If yes,

☐

Lineup

☐

Photo Array

☐

Other (please specify)

42. Why do you think the victim made a complaint against you?

43. Did the victim(s) testify at trial?

☐

Yes

☐

No

If Yes, please provide details of any victims who testified.

Please provide the person's address, if you have it.





44. List any identification witnesses.

Please provide the name, address, and telephone number if you have them. Please indicate the form of identification -- whether they attempted an identification in a lineup, photo array, or otherwise. Also indicate whether the witness identified you, whether the witness testified and for which side.

Name:

Address and telephone:

Form: (lineup, photo array/lineup, other)

Did the witness identify you? ☐ Yes ☐ No

If "No", did they identify someone else? ☐ Yes ☐ No

If so, whom did they identify?

Did the witness testify? ☐ Yes ☐ No

If "Yes," for ☐ the prosecution ☐ the defence

Name:

Address and telephone:

Form: (lineup, photo array/lineup, other)



Did the witness identify you? ☐ Yes ☐ No

If "No", did they identify someone else? ☐ Yes ☐ No

If so, whom did they identify?

Did the witness testify? ☐ Yes ☐ No

If "Yes," for ☐ the prosecution ☐ the defence

Name:

Address and telephone:

Form: (lineup, photo array/lineup, other)

Did the witness identify you? ☐ Yes ☐ No

If "No", did they identify someone else? ☐ Yes ☐ No



If so, whom did they identify?

Did the witness testify?

☐ Yes

☐ No

If “Yes,” for

☐ the prosecution ☐ the defence

Name:

Address and telephone:

Form: (lineup, photo array/lineup, other)

Did the witness identify you?

☐

Yes

☐

No

If “No”, did they identify someone else?

☐

Yes

☐

No

If so, whom did they identify?

Did the witness testify?

☐ Yes

☐ No

If “Yes,” for

☐ the prosecution ☐ the defence



45. List any experts who testified at your trial and the nature of their testimony.
(For example, doctor, handwriting expert, scientist.)

Expert's Name:

Address and telephone:

Nature of testimony

For whom did they testify?

☐

Prosecution

☐

Defence

Expert's Name:

Address and telephone:

Nature of testimony

For whom did they testify?

☐

Prosecution

☐

Defence

Expert's Name:

Address and telephone:

Nature of testimony

For whom did they testify?

☐

Prosecution

☐

Defence



Expert's Name:

Address and telephone:

Nature of testimony

For whom did they testify? ☐ Prosecution ☐ Defence

46. List any other persons who testified at your trial and the nature of their testimony.

Other Witness' Name:

Address and telephone:

Nature of testimony

For whom did they testify? ☐ Prosecution ☐ Defence

Other Witness' Name:

Address and telephone:

Nature of testimony

For whom did they testify? ☐ Prosecution ☐ Defence

Other Witness' Name:

Address and telephone:



Nature of testimony

For whom did they testify?

☐

Prosecution

☐

Defence

Other Witness' Name:

Address and telephone:

Nature of testimony

For whom did they testify?

☐

Prosecution

☐

Defence

Other Witness' Name:

Address and telephone:

Nature of testimony

For whom did they testify?

☐

Prosecution

☐

Defence

Other Witness' Name:

Address and telephone:

Nature of testimony

For whom did they testify?

☐

Prosecution

☐

Defence



CASE MATERIALS

Please indicate with a check mark below what documents and legal materials you have in your possession or you could get from a family member, friend or lawyer or find on the internet. If you do not have a document, but know who does, please indicate their name and relationship to you in the space provided.

Legal Documents:	You Have:	If not with you, where is it?
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Trial

Prosecution brief

Defence evidence

Trial transcript

Judge's rulings

Appeal against conviction

Defence brief

Appeal Book

Your submission

Crown submissions

Appeal Court Decision

Applications after appeal

Brief

Submissions

Decision



Defence Investigative Reports (Specify)

Newspaper Clippings re crime/trial: _____

Please list any other legal papers or documents that you have or could get:

Have you previously contacted the Prisoners' Legal Service about your case?

☐ Yes ☐ No

If yes, did you send PLS documents or case materials? ☐ Yes ☐ No

Are you currently represented by any lawyer? ☐ Yes ☐ No

If yes, please provide us with your the name and contact information for all of your current lawyers:
