

Actual Innocence Clinic

Questionnaire

1 INSTRUCTIONS

- 1.1 Complete this questionnaire with as much information as possible.
 - 1.2 If you do not know the answer to a question then please say, "Do not know."
 - 1.3 You may attach additional pages to complete your answers if necessary.
 - 1.4 Do not send any other documents.
-

2 PERSONAL INFORMATION

- 2.1 Name:
- 2.2 Date of birth:
- 2.3 TDCJ#:
- 2.4 Mailing address:

- 2.5 Are you represented by an attorney or innocence group? Yes OR No

If "Yes," provide the name, address and phone number of the attorney or organization:

- 2.6 What kind of legal help are you seeking?
Examples of legal help: DNA motion, state writ, federal writ, clemency

3 CASE INFORMATION

3.1 List the offenses for which you are incarcerated. Include the offense, city, county, offense date and conviction date for each offense:

| Offense | City | County | Offense Date | Sentence Date | Sentence |
|---------|------|--------|--------------|---------------|----------|
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |

3.2 Are you actually innocent of all of the above offenses? Yes OR No
We define "actual innocence" to mean that no crime occurred (such as a false accusation of child sexual abuse), or a crime did occur, but you did not do it and were not involved in any way.

If "No," list which offenses you are actually innocent of:

3.3 Were you involved with the offense in any way? Yes OR No

If "Yes," describe how you were involved with the offense:

3.4 Were you present at the scene of the offense? Yes OR No

If "Yes," describe when and why you were present at the scene of the offense:

If "No," describe where you were and who you were with when the offense was committed:

3.5 What did the prosecutor say you did?

3.6 What is your version of what happened?

4 LAW ENFORCEMENT INVESTIGATION/EVIDENCE

4.1 Which law enforcement agency investigated the offense?

List the investigating officers:

4.2 How did you become a suspect in the investigation?

4.3 Did you talk to the investigating officers? Yes OR No

If "Yes," describe what you told the investigating officers:

If "Yes," why did you talk to the investigating officers?

4.4 Was there any **physical evidence** against you? Yes OR No
Examples of physical evidence: DNA, blood typing, fingerprints, footprints

If "Yes," describe the **physical evidence** against you:

4.5 Was there any **other evidence** against you? Yes OR No
Examples of other evidence: eyewitnesses, statements made by you to other witnesses, possession of the weapon, possession of the stolen property

If “Yes,” describe the **other evidence** against you:

4.6 Did you have codefendants? Yes OR No
Codefendants are other people who were charged with the same offense.

If “Yes,” list the names of your codefendants:

4.7 List the victims of the offense.
Provide the victim’s name, how you know them and how long you have known them for each victim:

| Victim’s Name | How Known | How Long Known |
|---------------|-----------|----------------|
| | | |
| | | |
| | | |
| | | |
| | | |

- 4.8 List the witnesses to the offense.
Provide the witness' name, relationship to the case, how you know them and how long you have known them for each witness:

| Witness' Name | Relationship to Case | How Known | How Long Known |
|---------------|----------------------|-----------|----------------|
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |

5 COURT PROCEEDINGS

5.1 Trial

- 5.1.1 Did you (circle one):
accept a plea agreement? OR go to trial?

If you accepted a plea agreement, did you (circle one):
plead guilty? OR plead no contest?

If you accepted a plea agreement explain why you accepted the plea agreement:

- 5.1.2 Was your trial attorney (circle one):
court-appointed? OR retained/paid?

Provide the name, address and phone number of your trial attorney:

- 5.1.3 Did you have a private investigator for your case? Yes OR No
A private investigator is an investigator hired by your attorney or the court to work on your case.

Provide the name, address and phone number of any private investigator who worked on your case:

5.1.4 List the prosecutors on your case:

5.1.5 In which court were you convicted?

Provide the name of the judge that presided over your case:

5.1.6 Did you testify at trial? Yes OR No

If "Yes," describe what you said at trial:

If "No," explain why you did not testify:

5.1.7 List the witnesses that testified for the **state**.
Provide the witness' name, relationship to the case and what they said at trial for each witness:

| Witness' Name | Relationship to Case | What Said at Trial |
|---------------|----------------------|--------------------|
| | | |
| | | |
| | | |
| | | |
| | | |

5.1.8 List the witnesses that testified for the **defense**. Provide the witness' name, relationship to the case and what they said at trial for each witness:

| Witness' Name | Relationship to Case | What Said at Trial |
|---------------|----------------------|--------------------|
| | | |
| | | |
| | | |
| | | |
| | | |

5.1.9 Was there any **physical evidence** presented at trial? Yes OR No
Examples of physical evidence: DNA, blood typing, fingerprints, footprints, bullets

If "Yes," describe the physical evidence presented:

5.1.10 Was there any **other evidence** presented at trial? Yes OR No
Examples of other evidence: eyewitnesses, statements made by you to other witnesses, possession of weapons, possession of stolen property

If "Yes," describe the other evidence presented:

5.2 Direct Appeal

5.2.1 Did you appeal your conviction? Yes OR No

If "Yes," did you have an attorney for your direct appeal? Yes OR No

If "Yes," was you appeal attorney (circle one):
 court-appointed? OR retained/paid?

If “Yes,” provide the name, address and phone number of your appellate attorney:

5.2.2 In which appellate court was your appeal filed?

5.3 Petition for Discretionary Review (PDR)

5.3.1 Did you file a petition for discretionary review (PDR)? Yes OR No

If “Yes,” did you have an attorney for your PDR? Yes OR No

If “Yes,” provide the name, address and phone number of your PDR lawyer:

5.4 Writs of Habeas Corpus

5.4.1 State Writ

5.4.1.1 Did you file a writ of habeas corpus in **state** court? Yes OR No

If “Yes,” list the **state** writs that you filed. Include the writ number, issues you raised and the court’s decision for each writ.

| Writ Number | Issues Raised | Court’s Decision |
|-------------|---------------|------------------|
| | | |
| | | |
| | | |
| | | |
| | | |

Did you have an attorney for your writ of habeas corpus in **state** court? Yes OR No

If “Yes,” provide the name, address and phone number of your **state** writ attorney:

5.4.2 Federal Writ

5.4.2.1 Did you file a writ of habeas corpus in **federal** court? Yes OR No

If “Yes,”

list the federal writs that you filed. Include the writ number, issues you raised and the court’s decision for each writ.

| Writ Number | Issues Raised | Court’s Decision |
|-------------|---------------|------------------|
| | | |
| | | |
| | | |
| | | |
| | | |

did you have an attorney for your writ of habeas corpus in **federal** court? Yes OR No

provide the name, address and phone number of your **federal** writ attorney:

6 NEW EVIDENCE

“New evidence” means evidence that was not available at the time of trial and was not considered by the court. For example, DNA evidence, a recanting witness or another person confessing to the crime.

6.1 Describe any new evidence that is available to prove your actual innocence.

6.2 Why was this evidence not already presented to the court?

7

CASE MATERIALS

Circle the materials that are available to you.

Police/Offense Reports

Witness Statements/Affidavits

Laboratory Reports

Pretrial Transcripts

Plea/Trial transcripts

District Clerk's Record

Appellate Briefs

Petition for Discretionary Review

State Writs of Habeas Corpus

Federal Writs of Habeas Corpus

DNA Motions

Other Case Materials.

(Describe the other case materials):

8 CHILD SEXUAL ABUSE CASES—if you are not convicted of child sexual abuse skip this section.

List the children that accused you of abusing them. Complete a separate chart and set of questions for each child who accused you of abusing them.

8.1 Child 1

| | |
|--------------------------------|--|
| Child's Name | |
| Child's Age at Time of Offense | |
| Child's Current Age | |
| Child's Gender | |
| Child's Relationship to You | |

8.1.1 Accusation

8.1.1.1 What did the child say you did to them?

8.1.1.2 When did the child first accuse you of abusing them?

8.1.1.3 Who did the child first tell about the abuse?

8.1.1.4 Why do you think the child accused you of abusing them?

8.1.2 Evidence

8.1.2.1 Did a doctor or nurse examine the child?

Yes OR No OR I do not know

If "Yes," describe the results of the exam:

8.1.2.2 Was biological evidence collected?

Yes OR No OR I do not know

If "Yes," describe the evidence that was collected:

8.1.3 Recantation

8.1.3.1 Has the child told anyone they made up the accusation?

Yes OR No OR I do not know

If "Yes,"
who did the child tell?

what did the child say?

8.2 Child 2

| | |
|--------------------------------|--|
| Child's Name | |
| Child's Age at Time of Offense | |
| Child's Current Age | |
| Child's Gender | |
| Child's Relationship to You | |

8.2.1 Accusation

8.2.1.1 What did the child say you did to them?

8.2.1.2 When did the child first accuse you of abusing them?

8.2.1.3 Who did the child first tell about the abuse?

8.2.1.4 Why do you think the child accused you of abusing them?

8.2.2 Evidence

8.2.2.1 Did a doctor or nurse examine the child?

Yes OR No OR I do not know

If "Yes," describe the results of the exam:

8.2.2.2 Was biological evidence collected?

Yes OR No OR I do not know

If "Yes," describe the evidence that was collected:

8.2.3 Recantation

8.2.3.1 Has the child told anyone they made up the accusation?

Yes OR No OR I do not know

If "Yes,"

who did the child tell?

what did the child say?