

ARIZONA JUSTICE PROJECT
Sandra Day O'Connor College of Law
Arizona State University
P.O. Box 877906
Tempe, AZ 85287-7906

SCREENING QUESTIONNAIRE for DNA GRANT CASES

The Arizona Justice Project will use this questionnaire to decide whether your case qualifies for assistance under the DNA testing grant, provided by the National Institute of Justice.

Once your case questionnaire has been reviewed, you will receive a response from the Justice Project indicating whether your case will be passed on to the next stage of review or is denied because it does not meet the criteria for further review.

Please note, this questionnaire is being filed with the Arizona Justice Project as part of a **special post-conviction DNA testing assistance program** in which the Justice Project is cooperating with the Office of the Attorney General, crime labs, and other law enforcement agencies. The information you provide in this questionnaire may be shared with any of these individuals in the course of our evaluation.

Please answer each of the following questions as they relate to the facts of your case. If you do not know an answer to a question, state that you do not know.

NAME: _____	
DOB: _____	
ADC #: _____	Social Security #: _____
ADDRESS: (Prison Name) _____	
(Cell Location) _____	
(P.O. Box) _____	
(City, State, Zip) _____	

Date of Conviction: _____

County of Conviction (Circle):

Apache	Cochise	Coconino
Gila	Greenlee	La Paz
Mohave	Maricopa	Pinal
Navajo	Santa Cruz	
Yavapai	Yuman	Other: _____

Do you have an attorney representing you now? Yes No

If "yes", please provide: Attorney's Name _____

Address: _____

Phone: _____

GENERAL INFORMATION ABOUT YOUR CASE

1. Please check (✓) the crime(s) for which you have been convicted of and are currently serving a prison sentence:

- first-degree murder (ARS 13-1105)
- second-degree murder (ARS 13-1104)
- manslaughter (ARS 13-1103)
- forcible rape (ARS 13-1406)
- sexual conduct with a minor (ARS 13-1405)

2. State any other crime(s) for which you have been convicted and are currently serving a sentence.

3. Are you factually innocent of ALL these charges?

- Yes
- No

If “no”, what charges are you factually innocent of?

4. Are there items of evidence in your case with biological material?

(Items with “**biological material**” include items with any trace from a human body, such as blood, hair, fingernail scrapings, semen, or saliva. Biological evidence may be found on clothing worn by the victim, clothing worn by the perpetrator, or may be found on a blanket, carpet, or any other surface or object at the crime scene.)

- Yes
- No
- I do not know

5. If your case has evidence with biological material, has that evidence been tested?

- Yes
 - Blood group testing
 - DNA testing
 - Other (explain)

- No
- I do not know.

6. Would you be willing to submit to a DNA test knowing the test results could confirm your guilt or innocence in this case and in other cases?

- Yes
- No

FACTS ABOUT YOUR CASE:

1. State the date and place the crime(s) occurred:

2. State the facts of the crime that occurred:

3. Were you present at the scene before, during, or after the crime?

4. Did you know the victim(s) or have any type of association with him/her?

5. State the date of your arrest:

6. State the place of your arrest:

7. Police department in charge of investigation on this case:

8. How did you become a suspect in this case?

9. Did you accept a plea agreement or go to trial?

- ♣ Plea agreement
- ♣ Trial

10. During the investigation, did police recover any items with biological material?

- ♣ Yes
- ♣ No
- ♣ I do not know.

(**“Biological material”** is anything from a human body, such as blood, hair, fingernail scrapings, semen, or saliva. Biological evidence may be found on clothing worn by the victim, clothing worn by the perpetrator, or may be found on a blanket, carpet, or any other surface or object at the crime scene.)

If “yes”, please list the items of evidence.

11. Have any bodily fluids or hair samples been obtained from you?

- ♣ Yes
- ♣ No

If “Yes,” what samples were obtained?

12. Were any bodily fluids or hair samples obtained from the victim? (For example: vaginal swabs, anal swabs, blood, or saliva)

- ♣ Yes
- ♣ No
- ♣ I do not know

If “Yes,” what samples were obtained?

13. Was scientific testing done on the biological evidence?

- ♣ Yes
- ♣ No
- ♣ I do not know.

14. If “yes”, what type of testing was done on the evidence?

- ♣ DNA
- ♣ Blood Group
- ♣ Other (explain)

15. What were the results of the testing?

(For example, if blood group typing was done, did it match your blood type? If DNA testing was done, did it match your DNA?)

16. What year was the testing done on the biological evidence?

17. Was the biological evidence and/or the results of testing introduced at your trial?

- ♣ Yes
- ♣ No

18. If so, which items of evidence were introduced?

19. If so, who offered it?

- ♣ Prosecution
- ♣ Defense

20. What evidence was presented against you at trial which led to your conviction?

(For example, did the victim or a witness identify you as the perpetrator? If so, were you identified in a live line-up or a photo line-up? Were there fingerprints or other physical evidence linking you to the crime?)

21. What was your defense for the crime(s) for which you have been convicted?

(For example, if you were convicted of rape, did you claim (1) the sex was consensual or (2) you were wrongfully identified by the victim or other witnesses? If you have been convicted of homicide and claim you were not the killer, did you offer an alibi?)

22. What evidence was presented to support your defense?

23. Was there evidence that existed at the time of trial but was NOT presented that could have helped prove your defense?

If so, what was the evidence and what would it have proven?

24. Is there any new evidence (not available at trial and has not been presented to any court since your conviction) that would help prove your innocence?

(Note: If any biological evidence – blood, hair, objects with finger-prints - exists and was NOT tested for DNA at the time of your trial, such evidence may be introduced as “new evidence” once it is tested for DNA.)

♣ Yes

♣ No

If “yes”, please tell us what the evidence is and how it would help your claim of innocence.

25. What other factors do you believe led to your wrongful conviction?

26. Were you convicted by:

- ♣ Jury
- ♣ Judge (bench trial)
- ♣ Plea bargain (admitted guilt)
- ♣ Plea bargain (without admitting guilt)

27. When were you sentenced for the crime(s)?

28. What is the total length of your sentence?

29. Have you already contacted the Arizona Justice Project or any type of other innocence / justice project for assistance with your claim of innocence?

- ♣ Yes
- ♣ No

If so, please state the name of the project you have applied to and where that project is located.

30. Please provide the contact information (name, address, phone number) of any family or friends with relevant information concerning your case.

ATTORNEY AND COURT INFORMATION

1. **Trial Case number:**
2. **Trial Court** (location):
3. **Trial Attorney** (name, address, phone number)

4. **Prosecuting Attorney** (name, address, phone number)

5. **Trial Judge** (name):
6. **Has your appeal been filed?**
 - ♣ Yes
 - ♣ No
7. **Appellate Case Number:**
8. **Has there been a decision on your direct appeal?**
 - ♣ Yes
 - ♣ No
9. **Date your appeal was decided:**
10. **Appellate Attorney** (name, address, phone number):

11. **Have you filed a motion with the court requesting post-conviction DNA testing, under Arizona statute - A.R.S. 13-4240?**
 - ♣ Yes
 - ♣ No

12. If so, when (date) was this request made?

13. If you have a copy of your request (ARS 13-4240 motion for post-conviction DNA testing) and / or the decision by the Judge, please include those copies with this questionnaire.

14. Did you know Arizona has a statute (ARS 13-4240) that allows inmates to ask the court to test the DNA evidence from their case even after the inmate has been convicted?

Yes

No

15. Have you filed a state post-conviction relief petition? Yes No

If yes, was there a hearing? Yes No

If yes, has the trial court denied your petition? Yes No

If yes, have you petitioned for review? Yes No

16. Post-conviction Attorney (name, address, phone number)

17. Have you filed a federal petition for a writ of habeas corpus? Yes No

If yes, was there a hearing? Yes No

If yes, has the district court denied your petition? Yes No

If yes, have you appealed to the Ninth Circuit? Yes No

18. Habeas Attorney (name, address, phone number)

CASE MATERIALS

1. Appellate Opening Brief

- I have my Appellate Opening Brief and am sending it now with this questionnaire.
- I do not have my Appellate Opening Brief, but the Justice Project can contact the following person(s) to get it. (Please list name, address, and phone number for a family member, appellate attorney, or other who has a copy of your Appellate Opening Brief).

2. Below is a list of documents. Indicate (✓) which documents you could provide to us. Do **NOT** send any of these other documents at this time.

Police Reports

- Initial Incident Report as
- Investigation Reports
- Lists of Evidence
- Witness Interviews
- 911 tapes
- Transcripts/Video tapes of interviews
- Crime scene photographs
- Other (*Please Describe*)

Laboratory Reports (*Please Describe*)

Expert Witness Reports (*Please Describe*)

Pre-trial Hearing Transcripts

Plea Agreements

Trial Transcripts

Judgment of Conviction

Sentence

Direct Appeal

- Appellate Opening Brief (**please send NOW**)
- State Answering Brief
- Appellate Court Decision (Opinion/Memorandum Decision)
- Defense Petition for Certiorari to the United States Supreme Court

State Post-Conviction (“PCR”) Proceeding

- Motion for post-conviction DNA testing (A.R.S. 13-4240 motion)
- Defense PCR Notice / PCR Petition and Memorandum / PCR Reply
- State’s Response
- PCR Evidentiary Hearing Transcript
- Trial Court’s Decision(s) (Minute Entries)
- Defense Petition for Review / Reply
- State’s Response

Federal Habeas Corpus Proceeding

- Defense Habeas Petition
- Defense Amended Petitions
- State’s (Prison’s) Answer
- Evidentiary Hearing Transcripts
- District Court’s decision(s)
- Defense Opening / Reply Briefs on Appeal to the Ninth Circuit
- State’s (Prison’s) Answering Brief
- Ninth Circuit’s Decision (Published/ Not Published)
- Defense Petition for Certiorari to the United States Supreme Court

For any of the documents you DID NOT CHECK ABOVE where could we get those documents if we decide we need them?

If you have any other documents / records in your possession, please list them here:

AUTHORIZATION FOR RELEASE OF INFORMATION AND COMMUNICATION WITH PREVIOUS LEGAL COUNSEL

I authorize the Arizona Justice Project, and any attorneys, students and volunteers working for the Justice Project, to review my claim of innocence and obtain any information he or she deems necessary in evaluating my case, including court documents, investigation reports, probation reports, custodial files, medical evaluations, lab reports, or other documents pertaining to me.

I authorize my previous attorneys or members of any legal team or office that have represented me in the past to communicate fully and completely with the representatives of the Arizona Justice Project about my case.

I authorize the Arizona Department of Corrections and all other persons and governmental agencies to release to the Arizona Justice Project, for examination and photocopying, all correspondence, court documents, investigation reports, probation reports, custodial files, medical evaluations, employment records, and other documents pertaining to me and any case involving me.

I understand that by applying for assistance under the DNA grant, my case may be subject to review by the Arizona Attorney General’s Office. I authorize the Arizona Attorney General’s Office to review my case and provide any and all records from my case to the Arizona Justice Project for further review.

I understand that at any time during the review process, my case may be rejected for further assistance under the DNA grant. I understand I have no right to appeal a rejection of my claim during this review or investigation.

I understand that the Justice Project is not acting as my legal counsel and does not represent me. If, in the future, the Justice Project finds it necessary to represent me and is willing to do so, their legal counsel will provide me with a written agreement detailing the nature and scope of the representation.

Printed Name

Signature

Date