

## **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. Additionally, the CRU seeks to reduce wrongful convictions by working with prosecutors to recognize and avoid mistakes that are common to them.

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 attorneys, 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 currently incarcerated and was convicted of a serious and/or violent felony.

### **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 hard-copy. 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 thoroughly explore the petitioner's claim.

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: No. The CRU considers other factual issues that may be present, whether or not DNA evidence exists.

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 CRU 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 three 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.

### **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.

Q: What if I have questions not answered here?

A: Please contact the CRU at [cru@sao13th.com](mailto:cru@sao13th.com) for additional information. However, the CRU cannot provide legal advice or act as your legal representative. If you are in need of legal advice regarding a prior conviction, we encourage you to consult with an attorney who specializes in post-conviction litigation.