



THE OKLAHOMA INNOCENCE PROJECT

QUESTIONNAIRE

GUIDELINES FOR COMPLETING QUESTIONNAIRE

1. Before completing the questionnaire please note:

You **must not** be currently represented by counsel and the crime and your conviction must have occurred in Oklahoma.

2. An inmate requesting the assistance of the Oklahoma Innocence Project must **FULLY** and **LEGIBLY** complete the following questionnaire. Please be sure to fill the questionnaire out in ink and sign the authorization on page 17. You have **6 months** to return the completed questionnaire to the address at the bottom of this page or your file will be closed.

3. Please keep us informed of any address changes.

4. Please **DO NOT** send any transcripts, pleadings, or the like along with your questionnaire. If we need additional documentation to investigate your matter we will contact you at that time. Any additional documents sent in with a questionnaire will be returned to you.

5. Please note that you **will not** receive a confirmation from us that your questionnaire was received in our office. Your next communication from us will be a letter informing you of our decision. Please understand that due to the overwhelming number of requests for assistance, there is a wait of **2 years or more** before a questionnaire is reviewed.

Please return the following questionnaire and release to the address below:

**Oklahoma Innocence Project
800 North Harvey Avenue
Oklahoma City, OK 73102-2813**

*The questions below are designed to help us decide whether we will be able to help you seek release from prison because you are **actually innocent** of the crime for which you were convicted. Please answer each question as completely and as accurately as you can. If you don't know the answer to a particular question, that should be your answer.*

CONTACT INFORMATION:

Name: _____ Offender ID # (OID): _____

Social Security Number: _____ Date of Birth: _____

What is your first language? _____

What is your race? _____

What is the highest grade level you completed in school? _____

Current Institution Name: _____

Street Address: _____

City, State, Zip: _____

Name of Prison Counselor/Case Worker: _____

Are you claiming **actual innocence** of the crime for which you were convicted?

Yes No

If "No," do not answer any additional questions and return this questionnaire. If "Yes," please answer the questions below.

I. CASE INFORMATION:

1. Date of incident leading to your incarceration: _____

2. Date of arrest: _____

3. Charge(s) on your indictment/ information/complaint filed against you:

4. If your conviction differs from the charges mentioned above, please list what you were convicted of:

5. What was the date of your conviction and the length of your sentence?

6. Place of Conviction (City & County): _____

7. Was anyone else charged in this crime (were there co-defendants)? YES _____ NO _____

8. Please list names of co-defendant(s): _____

9. If so, what happened to them and where are they now?

10. What is the name(s) of victim(s):

k. Did you know the victim(s) before the crime(s)? YES _____ NO _____

l. If so, please explain how. _____

11. Have you previously been convicted of other offenses? YES _____ NO _____

12. If yes, please provide charges, dates, sentence, and location:

13. Please provide a detailed factual account of why you were arrested and the **state's case against you at trial/guilty plea. USE ONLY THE SPACE PROVIDED.**

15. Was any of the evidence that proves your innocence known **before** your conviction or used at trial?

YES _____ NO _____ If YES, please explain: _____

16. Is any of the evidence that proves your innocence **new**, meaning it was discovered after your trial? [“New evidence” can include, among other things, newly discovered physical evidence, a newly-discovered witness, a key witness who has recanted his or her trial testimony, evidence in existence at the time of your trial that can now be subjected to new scientific testing, and evidence or a witness that should have been found and presented by your trial attorney but was not presented at trial.]

YES _____ NO _____ If YES, please explain: _____

17. If there is new evidence in your case, has any of this new evidence already been presented to any judge?

YES _____ NO _____

18. If YES, tell us which judge was presented with the evidence, when and how the evidence was presented to that judge (Examples: testimony at a hearing, affidavit, letter) and what the judge said or wrote about the new evidence, if anything.

19. Could DNA testing of any physical evidence be conducted now to help prove your innocence?

20. YES _____ NO _____ If YES, please explain: _____

21. Would you be willing to submit to a DNA test knowing that the test could show your guilt or innocence?

YES _____ NO _____

22. Do you know who committed the crime(s) you were wrongly convicted of? YES _____ NO _____

If YES, please give their name(s) and location(s): _____

II. POLICE INVESTIGATION:

23. Who was the officer in charge of the case? Name: _____

Police Department: _____

24. Did the police have any witnesses identify you or other possible suspects in a lineup, photospread, or showup?

YES _____ NO _____

If YES, tell us when and where the lineup, photospread, or showup occurred, who the witnesses were, and whether each witness picked you or anyone else out. Please also tell us anything else you believe we should know about the lineup, photospread, or showup.

25. Did the police have any witnesses identify you or other possible suspects from photographs before you were convicted? YES _____ NO _____

If YES, tell us when and where the photos were shown, who the witnesses were, and whether each witness picked you or anyone else out of the photographs. Please tell us anything else you believe we should know about the photographs.

26. Did you make any statements to the police before or after you were arrested? YES _____ NO _____
If YES, answer each of the questions below. If NO, skip ahead to question **38**.

27. How many times were you interviewed by the police where you made a statement? _____

28. When did you make each statement? (Example: the day before the arrest, during the arrest, two weeks after the arrest, etc.) _____

29. Were any of your statements recorded on tape or video? YES _____ NO _____

38. Do you have an alibi that proves you could not have committed the crime(s) you were convicted of?

YES _____ NO _____ If YES, please answer questions **39-41**:

39. Please describe your alibi and how it can be proven: _____

40. List any alibi witnesses (name, address, telephone): _____

41. Did you tell your attorney about your alibi? YES _____ NO _____

IF PHYSICAL EVIDENCE WAS COLLECTED FROM THE VICTIM OR CRIME SCENE, please answer questions **42-57** (if physical evidence was **not** found, please go to Section III):

42. Were any body fluids, hair samples, or other physical evidence collected:

43. At the crime scene? YES _____ NO _____

44. From the victim's body or clothes? YES _____ NO _____

45. From you or your clothes? YES _____ NO _____

If YES, please list what was collected: _____

46. Was any testing done on the body fluids, hair samples, or other physical evidence collected?

YES _____ NO _____ If YES, please answer questions **47-50**:

47. What was tested and what type of testing was done? _____

48. Who had the testing done? Prosecution _____ Defense _____

49. Who actually did the test? (lab name, address, telephone) _____

50. What was the result of the testing? _____

51. Was a second test done on any of the physical evidence?

YES _____ NO _____ If YES, please answer questions **52-55**:

52. What was tested and what type of second testing was done? _____

53. Who had the second test done? Prosecution _____ Defense _____

54. Who actually did the second test? (name, address, telephone) _____

55. What was the result of the second testing? _____

56. Was testing done on all of the physical evidence collected in the investigation?

YES _____ NO _____ If NO, list the evidence that was not tested: _____

57. Is there any physical evidence still available?

YES _____ NO _____ If YES, what and where is it? _____

III. TRIAL COURT

IF YOU HAD A TRIAL, please answer questions **58-66**. (if you did **not** have a trial, please go to Section IV "GUILTY PLEA").

58. Were you tried by a judge or a jury? Judge _____ Jury _____

59. Who was the prosecutor at trial: _____

59b. Who was your trial attorney: _____

60. Describe the prosecution's case at trial:

61. Did the prosecution present any physical evidence or forensic test results against you?

YES _____ NO _____ If YES, please list that evidence: _____

62. Did the prosecution present any statement or confession against you? YES _____ NO _____

If YES, did your attorney make a motion to suppress your statement or confession? YES _____ NO _____

63. Who testified for the prosecution?

Victim(s) _____ Eyewitness(es) _____ Expert(s) _____ Other(s) _____

64. Please list all prosecution witnesses (name, address, telephone): _____

65. What was your defense at trial? _____

66. Did you testify at trial? YES _____ NO _____

IV. GUILTY OR NOLO CONTENDERE (“NO CONTEST”) PLEA CASES

Answer these questions **only if you pleaded guilty or nolo contendere (“no contest”) to the charges for which you are now in prison. If you went to trial, skip ahead to section V.**

67. Type of plea: Guilty _____ Nolo Contendere (“no contest”) _____

68. Did your attorney talk to you about a plea bargain? YES _____ NO _____

If **YES**, what did your attorney tell you about the plea bargain? _____

69. Why did you decide to plead guilty or nolo contendere (“no contest”)? _____

70. Have you ever tried to withdraw your plea? YES _____ NO _____

If **YES**, **when** did you try to withdraw it (Examples: before sentencing, during the appeal, after the appeals)?

If **YES**, **what reason** did you (or your lawyer) give for trying to withdraw your plea?

If **YES**, what reason did the court give for not letting you withdraw your plea? _____

V. APPEALS

71. Did you appeal your conviction? YES _____ NO _____

If not, why not? _____

72. Appellate Case File #: _____

73. Your appellate attorney (Name, Address, Telephone): _____

74. Date direct appeal decided: _____

75. Have you filed any post-conviction petitions? YES ____ NO ____

If "Yes," please describe what you filed, when you filed it, where you filed it, and the result:

76. Post-Conviction Case Number: _____

77. Did you have any other attorney(s) for your post-conviction proceedings? YES ____ NO ____

If "Yes," provide Name, Address, Telephone:

78. Did you file a petition for federal habeas corpus relief? YES ____ NO ____

If "Yes," when and before which U.S. District Court? _____

USDC Case Number: _____

Did you have counsel? YES _____ NO _____

What was the result? _____

79. Did you appeal to the Tenth Circuit Court of Appeals? YES _____ NO _____

What was the result? _____

Please remember, you must fully complete this questionnaire and return it within 6 months to keep your file open and in active review by the Oklahoma Innocence Project.



WAIVER AND CONSENT FOR RELEASE OF RECORDS AND INFORMATION

NAME: _____

BIRTHDATE: _____

SOCIAL SECURITY NUMBER: _____

By signing below, I authorize the Oklahoma Innocence Project (“OKIP”) to assign one or more law students, working under the direct and immediate supervision of an attorney, and/or a cooperating attorney, working in conjunction with OKIP, to investigate my case. This includes, but is not limited to, authorizing correspondence and/or telephone calls to prior counsel, prosecutors, or witnesses. I authorize any and all entities and persons, including my former attorney(s), investigator(s), and appellate programs who worked on my case, to release to OKIP or to its staff, student representatives, or cooperating attorneys, any and all records, files, reports, and information of any kind related to me or to any criminal case involving me, including police reports, witness statements, post-conviction pleadings, and correctional records, pre-sentencing reports and other documents in prison social services and legal files, legal papers, court documents, medical records, laboratory analyses, probation reports, attorneys files and records, and any other information necessary to the Project’s work on my behalf. I understand there may be statutes, rules, and regulations that protect the confidentiality of some of the records, files, reports, and information covered by this release; it is my specific intent to waive the protection of all such statutes, rules, and regulations so that confidential information can be shared with OKIP. This authorization shall remain effective unless and until any such revocation signed by me is received and acknowledged by the OKIP.

I understand that the Oklahoma Innocence Project (“OKIP”) is at this time only agreeing to represent me in the investigation of my case and that a decision whether to represent me in court will be made at a later time. I further understand that at any point OKIP, at its sole discretion, may determine that further investigation is not warranted, and is under no obligation to continue to investigate my case.

By my signature below, I represent that this waiver is voluntary and given without any reservation. This authorization is effective until revoked by the undersigned in writing.

Signature Date

STATE of _____ COUNTY of _____

On this _____ day of _____, 20____, _____ personally appeared before me, and is either personally known to me or proved to me on the basis of satisfactory evidence to be the person whose name is signed on the foregoing Authorization For Release, and acknowledged to me that he / she has read and understands the contents thereof and that he / she signed it voluntarily for its stated purpose.

Notary Public

My Commission Expires: _____ Residing at: _____